

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 30, 2025

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-eighth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Ken Hutson, retired from the United Church of Sumner. And he is a guest of Senator Ibach. Please rise.

KEN HUTSON: Dear God, we thank you that we can all call the state of Nebraska home. We thank you for how you have blessed our state and our nation. We know that your word says, blessed is the nation whose God is the Lord. You are a great God who loves us so much and has blessed our state in so many ways. I want to thank you this morning for each of the 49 senators who have been elected by the residents of this state to be a part of this Unicameral. I know that today is day 88 of this 90-day session. May you lead and guide each senator in the Unicameral as a whole as they seek to finish up this long session. I'm sure they're tired. They've worked so hard to get to where they are today. May you help them to work together to do the very best they can for the people of Nebraska. We're blessed to have senators from so many different backgrounds. We have senators from all over this great state. We have senators who serve with different priorities and different interests. But I pray you will help them find areas to work together on as they finish this session next week. May they pass laws that are the best that they can be for the people of Nebraska. May they be able to lead and guide in a way that shows they're seeking to do the best even when things-- there are things that they may disagree upon. Dear God, we thank you for this beautiful Capitol building. As you look at this building when you enter Li-- Lincoln, as you drive up to it and as you enter it you can see how beautiful it is. Thank you for giving our state such a great facilities. We thank you for the fact that all three branches of our state government are housed in this one building, our legislative, judicial, and executive. As we pray for our legislative branch today, we also pray for our Supreme Court and all they do to, to lead our judicial branch. Help them in the cases they hear, the decisions they make, and all they do for our judicial branch. May you be with Chief Justice Jeffrey Funke and the six associate justices. We pray for our executive branch. We thank you for Governor Jim Pillen. May you be with him in the many things that he does for our state. Help him as he seeks to lead the executive branch, the many decisions he has to make, and the different people he works with. We ask that you give all three branches of our state government the wisdom they need to lead our state. Thank you to all the people who work in this Capitol building to make our state the best that it can be. Be with state employees who work around the state, help them in the work they do, especially those who put their lives in danger each and every day. Dear

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God, we thank you again for this beautiful day. Thank you that we can take time this morning to come to you in prayer, to seek you on behalf of each member of this Unicameral as they seek to do the business of the people of the great state. Help them to work in unison. Help them to seek you and your wisdom today in all that they do. We ask these things in the name of Jesus, the greatest example of a true servant. May we all seek to serve you today. In Jesus' name we pray. Amen.

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

McKEON: Colleagues, please join me. 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 eighty-eighth 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: There any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any announcements?

CLERK: There are, Mr. President. Amendment to-- excuse me-- a motion to be printed from Speaker Arch. In addition, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. And a report of registered lobbyists for May 22 can-- excuse me-- May 29 will be found in today's Journal. That's all I have at this time.

KELLY: Senator DeKay would like to recognize the doctor of the day, Dr. Amy Reif-Elks of Coleridge. Please stand and be recognized by the Nebraska Legislature. Senator Ibach would like to recognize some guests under the south balcony. They are Angie Hutson, the wife of our-- from the prayer this morning, from Hastings; and Sara Ostdiek, Zach, and Eli Ostdiek of Hastings. Please stand and be recognized. Mr. Clerk, please-- Senator Machaela Cavanaugh, you're recognized for an announcement.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I-- could, could I have a gavel? Thank you. Colleagues, I rise today to celebrate the life of Chancellor Emeritus John Christensen, a maverick visionary as the Omaha World-Herald so rightly put it on this morning's front page.

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Chancellor Christensen knew the potential of the University of Nebraska at Omaha wasn't just great; it was limitless. And he believed with his whole heart that UNO had a responsibility to help Omaha and Nebraska realize their full potential. That was his dream. And under his leadership, it became our reality. He was relentless, truly obsessed with UNO's mission, student centered, academically excellent, and community engaged. And in each of those mission areas, magic happened. He was up before dawn, usually by 4 a.m., fighting for UNO, te-- talking with faculty, listening to staff, learning from students-- the kids, as he affectionately called them. He built new networks of believers, public officials, philanthropists, national leaders in education, sports, and service-- all drawn in by his conviction and care. Thanks to Chancellor Christensen, UNO became a national model for the metropolitan university mission, opened the Barbara Weitz Community Engagement Center, welcomed President Barack Obama to Baxter Arena-- the building envisioned and opened during his tenure-- elevated its athletics program to Division I, went to the Frozen Four in hockey, ranked number one in the country for veteran and military students, built academic buildings, Mammel Hall, and one of the world's stand-- only standalone biomechanics research facilities. His leadership transformed UNO, and I believe history has still not fully accounted for his impact-- not just on campus but on a city, a state, and a generation of Maverick students. My heartfolk-- heartfelt condolences to his wife of 52 years, Jan, and his sons, Erik and Dana, and the entire Christensen family. May his legacy continue to light the path forward just as he always intended. On a personal note, I was a student at UNO when-- under Chancellor Christensen. And I also was a employee of the university and had the privilege of working with him when I worked at the Buffett Early Childhood Institute. He was a, a wonderful man, and he will be greatly missed. And I'll just end with his two favorite words: go, Mavs. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk, we will proceed to Final Reading. Senators, please find your seats. Senators Hunt and Bostar-- Senator Bostar is here. The first bill on Final Reading is LB48 with the emergency clause. The first vote is to dispense with the at-large at-- reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 2 nays to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB48]

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KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB48 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Ballard, Bosn, Bostar, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, Dorn, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Juarez, McKinney, Prokop, Quick, Raybould, Rountree, Sanders, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Armendariz, Brandt, Clements, DeKay, Dover, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Riepe, Sorrentino, Storer, Storm, Strommen. Not voting: Senator Hunt. Vote is 26 ayes, 22 nays, 1 excused, not voting, Mr. President.

KELLY: LB48e do-- LB48 does not pass with the emergency clause. The next vote is, shall LB48 pass? All those in favor-- without the emergency clause. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Ballard, Bostar, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Juarez, McKinney, Prokop, Quick, Raybould, Rountree, Sanders, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Armendariz, Brandt, Clements, DeKay, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Riepe, Sorrentino, Storer, Storm, Strommen. Not voting: Senator Hunt. Vote is 27 nays, 21 nays, 1 excused, not voting, Mr. President.

KELLY: LB48 passes. The next bill is LB48A with the emergency clause.

CLERK: [Read LB48A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB48A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Ballard, Bosn, Bostar, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Juarez, McKinney, Prokop, Quick, Raybould, Rountree, Sanders, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Armendariz, Brandt, Clements, DeKay, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Riepe, Sorrentino, Storer, Storm, Strommen. Not voting:

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Senator Hunt. Vote is 27 ayes, 21 nays, 1 excused, not voting, Mr. President.

KELLY: LB48A with the emergency clause does not pass. The next vote is on LB48A without the emergency clause. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Ballard, Bosn, Bostar, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Juarez, McKinney, Prokop, Quick, Raybould, Rountree, Sanders, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Armendariz, Brandt, Clements, DeKay, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Riepe, Sorrentino, Storer, Storm, Strommen. Not voting: Senator Hunt. Vote is 27 ayes, 21 nays, 1 excused, not voting, Mr. President.

KELLY: LB48A passes without the emergency clause. The next bill is LB150e with the emergency clause. Mr. Clerk.

CLERK: Mr. President: Senator Machaela Cavanaugh, I have MO304 with a note that you'd withdraw.

KELLY: Without objection, so ordered.

CLERK: In that case, Mr. President, I have nothing further.

KELLY: Members, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays to dispense with the at-large reading, Mr. President.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB150]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB150 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Clements, Clouse, DeBoer, DeKay, Dorn, Dover, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer,

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Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Cavanaugh, Cavanaugh, Conrad, Dungan, McKinney. Not voting: Senator Hunt. Vote is 43 ayes, 5 nays, 1 excused, not voting, Mr. President.

KELLY: LB150 passes with the emergency clause. The next bill is LB150A.

CLERK: [Read LB150A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB150 pa-- LB150A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator McKinney. Not voting: Senator Hunt. The vote is 47 ayes, 1 nay, 1 excused, not voting, Mr. President.

KELLY: LB150A passes. The next bill is LB298 with the emergency clause. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays to dispense with the at-large reading.

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

CLERK: [Read title of LB298]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB298 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Machaela Cavanaugh, McKinney,

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and Hunt-- excuse me-- and McKinney. Not voting: Senator Hunt. Vote is 46 ayes, 2 nays, 1 excused, not voting, Mr. President.

KELLY: LB298 passes with the emergency clause. The next bill is LB298A with the emergency clause.

CLERK: [Read LB298A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB298A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators McKinney and Spivey. Not voting: Senator Hunt. Vote is 46 ayes, 2 nays, 1 excused, not voting, Mr. President.

KELLY: LB298A passes with the emergency clause. The next bill is LB303 with the emergency clause. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB303]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB303 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator Hunt. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President

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KELLY: LB303 passes with the emergency clause. The next bill is LB50.

CLERK: [Read LB50 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB50 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Conrad, McKinney, Storer. Not voting: Senator Hunt. The vote is 45 ayes, 3 nays, 1 excused, not voting, Mr. President.

KELLY: LB50 passes. The next bill is LB77. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB77]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB77 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Armendariz and Riepe. Not voting: Senator Hunt. Vote is 46 ayes, 2 nays, 1 excused, not voting, Mr. President.

KELLY: LB77 passes. The next bill is LB77A.

CLERK: [Read LB77A on Final Reading]

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KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB77A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Armendariz and Riepe. Not voting: Senator Hunt. Vote is 46 ayes, 2 nays, 1 excused, not voting, Mr. President.

KELLY: LB77A passes. The next bill is LB177. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 1 nay to dispense with the at-large reading, Mr. President.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB177]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB177 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no-- Senator Raybould voting yes. Not voting: Senator Hunt. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB177 passes. The next bill is LB177A.

CLERK: [Read LB177A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB177A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator Hunt. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB177A passes. The next vote is LB275. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays to dispense with the at-large reading, Mr. President.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB275]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB275 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Ballard, Bosn, Bostar, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Juarez, McKinney, Meyer, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Armendariz, Brandt, Clements, DeKay, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Moser, Murman, Sorrentino, Storer, Storm, Strommen. Not voting: Senator Hunt. Vote is 29 ayes, 19 nays, 1 excused, not voting, Mr. President.

KELLY: LB275 passes. The next bill is LB275A.

CLERK: [Read LB275A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB275A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Arch, Ballard, Bosn, Bostar, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Holdcroft, Hughes, Juarez, McKinney, Meyer, Prokop,

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Quick, Raybould, Rountree, Spivey, von Gillern, Wordekemper. Voting no: Senators Andersen, Armendariz, Brandt, Clements, DeKay, Hansen, Hardin, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Moser, Murman, Riepe, Sanders, Sorrentino, Storer, Storm, Strommen. Not voting: Senator Hunt. Vote is 27 ayes, 21 nays, 1 excused, not voting, Mr. President.

KELLY: LB275A passes. The next bill is LB293. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB293]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB293 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator Hunt. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB293 passes. The next bill is LB293A.

CLERK: [Read LB293A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB293A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm,

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Strommen, von Gillern, Wordekemper. Voting no: Senator Armendariz. Not voting: Senator Hunt. Vote is 47 ayes, 1 nay, 1 excused, not voting.

KELLY: LB293A passes. The next bill is LB376. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB376]

KELLY: All provisions of law relative to procedure have been complied with, the question is, shall LB376 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Machaela Cavanaugh. Not voting: Senator Hunt. Vote is 47 ayes, 1 nay, 1 excused, not voting, Mr. President.

KELLY: LB376 passes. The next bill is LB391. The first vote is dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB391]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB391 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes-- excuse me, Mr. President. Voting aye: Senator Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer,

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Moser, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators DeBoer, McKinney, Riepe. Not voting: Senator Hunt. Vote is 45 ayes, 3 nays, 1 excused, not voting, Mr. President.

KELLY: LB391 passes. The next bill is LB391A.

CLERK: [Read LB391A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB391A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators McKinney, Riepe, Spivey. Not voting: Senator Hunt. Vote is 45 ayes, 3 nays, 1 excused, not voting, Mr. President.

KELLY: LB391A passes. The next bill is LB608.

CLERK: Mr. President: Senator Machaela Cavanaugh, I have FA193 and FA194, both with notes that you'd withdraw.

KELLY: Without objection, so ordered.

CLERK: In that case, I have nothing further, Mr. President.

KELLY: Members, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 1 nay to dispense with the at-large reading, Mr. President.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB608]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB608 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Holdcroft, Hughes, Jacobson, Juarez, Kauth, Meyer, Murman, Prokop, Quick, Raybould, Rountree, Sanders, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Armendariz, Clements, Hardin, Ibach, Lippincott, Lonowski, McKeon, McKinney, Moser, Riepe, Sorrentino, Spivey. Not voting: Senator Hunt. Vote is 36 ayes, 12 nays, 1 excused, not voting, Mr. President.

KELLY: LB608 passes. The next bill is LB613. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB613]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB613 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Machaela Cavanaugh, Conrad, McKinney. Not voting: Senator Hunt. Vote is 45 ayes, 3 nays, 1 excused, not voting, Mr. President.

KELLY: LB613 passes. Speaker Arch would like to recognize some guests in the north balcony. They are from the Lincoln Children's Museum Summer Camp here in Lincoln. Please stand and be recognized by the Nebraska Legislature. The next bill is LB613A.

CLERK: [Read LB613A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB613A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Ca-- John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Strommen, von Gillern, Wordekemper. Voting no: Senator Armendariz, Machaela Cavanaugh, McKinney. Not voting: Senators Hunt, Storm. Vote is 44 ayes, 3 nays, 2 excused, not voting, Mr. President.

KELLY: LB613A passes. The next bill is LB644. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB644]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB644 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senator Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Clements, Clouse, DeKay, Dorn, Dover, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Riepe, Ri-- Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Cavanaugh, Cavanaugh, Conrad, DeBoer, Dungan, Fredrickson, Juarez, McKinney, Raybould, Rountree, Spivey. Not voting: Senator Hunt. Vote is 37 ayes, 11 nays, 1 excused, not voting, Mr. President.

KELLY: LB644 passes. The next bill is LB644A.

CLERK: [Read LB644A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is shall LB644A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott,

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Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Juarez, McKinney, Spivey. Not voting: Senator Hunt. The vote is 45 ayes, 3 nays, 1 excused, not voting, Mr. President.

KELLY: LB644A passes. The next bill is LB647 with the emergency clause. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to recommit the bill to the Revenue Committee with MO298.

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

M. CAVANAUGH: Thank you, Mr. President, colleagues. I also have an amendment pending that will strike several sections. I did bring this yesterday to chair of the committee, Senator von Gillern, and to the Speaker to discuss because I realized that yesterday was the last day that we could strike something-- bring something from Final back to Select to strike it and have it still move forward. So I-- that was my intention yesterday. And since we can't do that today, moving it to strike it is essentially the same as not moving it forward at all. So I guess that's basically the decision we'll have to make at cloture on this bill. But the sections I'm moving to strike are the part for the NEST program. And the reason is that, yesterday, after a lot of hoops being thrown at Senator Spivey and her just very amazing athleticism of jumping through every single one of them, the deal that was made with the NSEA and the Revenue Committee and really Democrats in this body was broken. And the NEST portion of LB647 was the part of that that we collectively allowed to move forward in LB647 with the understanding that Senator Spivey's bill for paid leave for teachers would move forward even when it was watered down beyond recognition, and this body still chose to not do that. So we will, I guess, decide if there are consequences to breaking deals or not. Does seem to be a theme of, of the session. I know yesterday on whatever bill-- what bill was that? LB415. Yes. On LB415 yesterday, there was a lot of consternation over people remaining in the queue and things not being withdrawn. And that normally, in years past, I would understand that consternation. We made-- there was quick conversation and side deals and things pulling off. But as I said earlier in the day, there's no trust here because we've been lied to so many times by colleagues and deals have been broken without discussion by colleagues this year. I think that that's an overarching theme, is that we think that we should operate like D.C. and not like Nebraska. And for the six years that I served here prior to this year, we operated like Nebraska. There was trust. If you told

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somebody you were going to vote a certain way and you changed and you didn't tell them-- well, first of all, you, you wouldn't change. People just wouldn't change. People would be like, oh, my gosh. I told them I was going to vote for it, and now I regret it, oh. But I've got to do it, ee. And now-- right? Yeah. We would. And, and now we change our votes and we don't even tell people. We change our vote on Final Reading on a bill that's going to literally stop the government from stealing money from children. We changed our vote on that-- like, nine people did-- and we don't even tell anybody. And in the past, that would've, like, had-- you would've been canceled by the body. Like, canceled-canceled. Nobody would deal with you. And now it's the status quo to lie. And that's not cool. But I guess-- I, I guess you're just proving to the people at home that we are as bad as Washington. And-- so LB647 is just another broken promise, broken deal. Last year-- was it last year? I think it was last year. There was a, a late-night deal made with a lot of different parties that you would probably not expect. And it was tense. It was, like, razor-thin tense if we were gonna be able to make it happen. And we did. And that would never even be considered now. I would never consider putting my trust in a razor-thin deal. That's too bad. Because we accomplish weird things in late nights in years past, but good things that, like, brought people together. And compromises were made. And they weren't, they weren't even the kind of compromises where you-- everybody walks away unhappy, which-- I know people like to say, well, if everybody's happy, then it's not a compromise. Everybody should be unhappy. But compromises used to be made here where people were content with the outcome. And-- I don't know-- I, I don't know why this new class wants to operate this way. It's really sad. It's really sad. You know, the, the last-- the outgoing senators that were term-limited or didn't run for reelection or whatever, you know, they, they brought their own tenor to this place. And sometimes it was contentious, to say the least, but a handshake meant something. Always. And if Senator Linehan or Senator Erdman told me they were going to do something, I knew they would. I knew they would. I remember a bill that I had blocked all these amendments on and Governor Pillen really wanted an amendment to get attached. And I was negotiating back and forth with Senator Briese and Senator Linehan and there was 12 minutes left in debate. And Senator Linehan came up to me and said, I give you my solemn word that we will do this. And I took her word for it. And the bill moved forward. It got amended 12 minutes left because I took her word for it. And she stood by her word. I would never do that now. I would never do that now. That is unfortunate. Because it was something that rural senators really wanted. It was something that the governor really wanted. And it was something I didn't care about, actually. I didn't care if it passed or

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didn't pass. So it wasn't like I was stopping something that I really was obstinately against. I was fighting to get something done, and we got it done in partnership. That's how this is supposed to work. And that is not how this has worked this year. And I, I wish that the freshmen understood how toxic they have behaved, how much damage has been done to this institution by the freshmen of this institution. We never used to operate this way. We never used to operate this way. We were so much better than this. And when the governor's vetoes happened last week, people acted like they were gonna do better. We've learned our lesson. Oh, my gosh. We don't work for him. We work together with you. And as soon as that kerfuffle settled down and the governor pulled up stakes on that fight, you went right back to it. Right back to it. Breaking promises, breaking deals, flipping votes, acting in bad faith. Right back to it. So now we're gonna spend two hours on this bill. Looks like I'm just about out of time. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good morning, colleagues. You know, I think the reason that we have three stages of approval of General, Select, and Final Reading is so that we have three chances to think through our decisions. And quite often, the decisions are difficult to make. And sometimes you, you decide one way and later regret it. And I think that's, you know, part of politics. I, I wasn't a party to any deal that the-- somebody's complaining about. You know, the, the place is dynamic and fluid and things change. People do things that draw the ire of other senators and then sometimes those wound up-- wind up showing up in the vote. So-- you know, I don't think you can chase the, the body around the block the whole session and then come back up at the end and complain about the behavior in the, in the body. I, I-- it's kind of the pot calling the kettle black. I support LB647. And I yield the rest of my time to Senator von Gillern.

KELLY: Thank you, Senator Moser. Senator von Gillern, 3 minutes, 23 seconds.

VON GILLERN: Thank you, Mr. President. I'm going to need more time than that, but I'll get in what I can here. I will state right now, clearly as I possibly can: there was no deal. There was no deal. I was not a part of a deal to sign off on any other bill. Senator Cavanaugh, I'm talking, and I would ask you to listen because you owe me an apology. You owe me an apology. You implied that I lied. You owe the Revenue Committee an apology because you implied that they lied. There was no deal. I was invited into a conversation to talk about the bills that

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were at play, including Senator Spivey's bill. I told the participants in that meeting clearly I will not make a deal. Each bill needs to stand on its own. My bill will stand on its own. Senator Spivey's bill needs to stand on its own. I am not into trading legislation. I'm not into making deals. You owe me an apology. I want to know on your time on the mic-- I'm going to ask you a question now and surrender my time. I want you to share on your time on the mic who told you there was a deal. Because they owe us an apology. My next time up, I'll talk about what's actually in this bill, as if anybody-- well, I should take that back. 33 people care about it. There's seven bills within this bill, seven different senators represented within this bill. LB647 has had five and a ha-- four and a half hours of debate already. That's free and fair debate. That's free and fair debate. So as far as I'm concerned, after we've had maybe three or four other chances here, I get up on my time on the mic, we start calling the question. Then we take up-and-down votes. There's two amendments on here. We can get up and down. We can get out of this bill in about, I don't know, 30 minutes. So that's where I'm at. I will patiently wait. I had a-- I had a calm, logical, polite conversation with Senator Cavanaugh yesterday. She came and told me she was gonna put amendments on the bill so that she could have a conversation. She never once talked to me about confusion or frustration over a deal that fell apart, because there was no deal. I don't know if I can make that any clearer than I already have. But I will add additional clarity my next time on the mic. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I guess I rise in favor of the motion to recommit to committee. And I want to speak specifically about the provisions that I've opposed in the committee as well as out on the floor. And as Senator von Gillern indicated, we have had some debate on this both on General File and on Select File as it pertains in particular to Senator Sorrentino's portion of the bill, which is the expansion of the 529 NEST plans, which allows a justifiable expense or withdrawal from that account to be used for K-12 private education. So that, that is where my objection lies. I will be very clear as well that LB647 does contain in it other provisions that I support. Certainly when you're talking about packages, there's always different provisions-- some you like, others you don't like. And I, I was clear early on with the committee that my opposition to this lies in the 529 plan expansion. And when you're talking about that, I want to kind of just situate the conversation as to why there might be objections to that, as I know there's been some discussion with regards

to the national level of debate and the national level of what 529 plans can be used for and whether or not that's in line with what our state can utilize it for. So essentially, a 529 plan is a, is a college savings plan that an individual can open, and they can put money into it, and then they can withdraw that money for various qualified expenses. And there are certain benefits that you have to a 529 plan. For example, not paying tax on the earnings, on the interest that you have in there, and then not having to pay essentially a deduction or, or pay a penalty when you take money out of the plan if it's for what is considered a qualified expense. In addition to that, there are some state-level benefits that certain states have enacted that others have not that allow you to get a benefit for your income taxes when you withdraw money. So at the federal level back in 2017 during President Trump's first term, there were changes that were made that allowed K-12 private education to become a qualified expense, essentially, for certain benefits. But it was up to the states in order to expand those benefits if they chose to do so for any of the state benefits as well. Some states did, other states didn't. My understanding is that we are one of 11 states that have not expanded the benefits. And it is my opinion, colleagues, that we should keep it that way. My understanding is that, currently, we are one of 11 states that does not allow you to take an income tax deduction for the money that you take out of the 529 plan. And that is, I think, what it should be. Because essentially, if you allow an income tax deduction to be taken for money taken out of the 529 plan, what we are effectively doing is subsidizing people putting payment towards a private-- people paying-- putting-- sorry-- people putting pay-- payment towards private education. I apologize. A lot of conversations going in here right now. And I believe that we need to make sure that we keep, essentially, our public dollars in public schools. And my belief is that expanding the 529 plans is effectively taking our public dollars and allowing it to subsidize private education. So I know this bill has come up multiple times in conversations that we've had in my two prior years in the Legislature, and certainly I think this year it's been a contentious point that we've had as well. I believe that the rest of the package is fine. I brought amendments on General File and Select File to remove this portion, the 529 portion, Senator Sorrentino's LB131, hoping that the rest of the package could proceed without that portion. But unfortunately, here we are on Final Reading with this part still in the bill, and therefore that is my opposition. Colleagues, I would encourage you to vote green on the motion to recommit, as I believe it would allow this bill to go back to committee and potentially remove LB131 so that way next year we can move forward with the package. And that would permit us the opportunity to put forward other parts of the

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bill that are positive but remove this contentious portion. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I'm a little disappointed in the behavior of a colleague of mine over to the left. Can't be seen on TV. Seems to be some temper tantrums. Happy Friday. I stand in support of LB647. I think it's already been said: we've had full and fair debate on this. Again, constituents, taxpayers, Nebraskans, what you're witnessing is more of your money being wasted here today. Every minute we're here is costing taxpayer money. With that, I yield my time to Senator Sorrentino.

KELLY: Thank you, Senator Storer. Senator Sorrentino, 4 minutes, 13 seconds.

SORRENTINO: Thank you, Mr. President. Thank you, Senator Storer. The underlying bill that says the discussion is the Educational Savings Trust is my bill. I am also a member of that Revenue Committee, the aforementioned Revenue Committee. I'm also a member of the Retirement Committee, the aforementioned Retirement Committee. I guess that gives me the trifecta of knowledge on this bill. There was never an agreement between me as the sponsor of this bill, me as a member of the Edu-- excuse me-- the Retirement Committee, me as a member of the Revenue Committee that I am aware of. And I would be aware of that. So in the long list of apologies owed to Senator von Gillern, you can include me on that as well. And now I'd like to speak up for the freshman class. Democrats, Republican, Independent, we've been castigated from the mic for 88 days. I'm proud of all of my fellow freshman candidates, Republican or Democrat. You've worked hard. You deserve better treatment. Shame on those who criticize us. I yield the rest of my time. Thank you, Mr. President.

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

VON GILLERN: Thank you, Mr. President. Sorry that we're-- are where we are, but we are. Senator Machaela Cavanaugh just-- we-- and I just had a quick conversation over here, which was probably watched by the whole room and half of the state. She clarified that yesterday when we spoke that she reminded me that there was a deal with the NSEA, which is true. If I implied she did not tell me that, I apologize. What she said on the mic a few minutes ago was that there was a deal with the Revenue

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Committee and the Revenue Committee was a part of that deal, and that absolutely was not the case. That is the source of my frustration. I do want to remind folks what's actually in this bill. And the amendment that Senator Cavanaugh filed was not to just kill the LB131 piece that was Senator Sorrentino's bill. It's to re-- this is a recommit to committee. And then she's got another bill-- another amendment behind that, which strikes Section 1, which would kill the whole bill. So maybe we want to know what's in the bill. Well, in the bill, there's a nonrefundable tax credit for homes that are in extremely blighted areas. Seems kind of important. Think that was Senator Quick's bill, if I recall correctly. There's a bill from Senator Dover for recreational trail easements for bike trails and walking trails across the state of Nebraska. That'd be pretty cool if we can get that done. There's Senator Bostar's LB709, which is an adoption tax credit. Seems like something that can universally be loved. LB242 was Senator Riepe's bill, which corrects some math issues and some challenges that resulted from our passing of LB34 this past summer in order to make sure that taxes-- property taxes are collected correctly by counties and municipalities and that all of that works properly, and was very, very important to NACO and the League of Municipalities. So-- I don't know. That probably-- that seems kind of important. Let's see what else. LB401, which was mine, which Department of Revenue's kind of interested in. It cleans up some language with regards to the pass-through entity tax. I don't know. Probably want to get that done. LB628, which clarifies some language around the Sports Arena Facility Financing Act, which will-- it will be a growth incentive issue, which we thought was important. And then lastly, LB131, which is the source of the frustration and the ire that's being raised today and has already been raised during General and Select File-- again, for four and a half hours of, of debate over what the left sees as some bizarre link to school choice. LB131, as Senator Sorrentino has explained-- and could explain better than I can-- is simply access to a 529 NEST savings account for people who want to pay for primary education with those funds rather than just simply secondary education, being college and university. Those NEST plans on-- based on the federal regulations already are allowed to be used for public and private institutions. That's not an issue. The issue is the fact that it somehow seems to be a crack in the door for school choice. There, I just said it out loud. So that's where the source of frustration is. And that has very little to do with the explosion that's occurred here this morning, which is clearly a, a personal challenge for several of us on the floor. And I think that's all I have to share on this. I would encourage your red vote, your red light vote. Vote against the recommit to committee, and then we'll hopefully have the next amendment come up. We can vote that

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down. We'll call the question, vote that down, and then we will-- hopefully. I would ask for your favorable vote on LB647 when we get to it. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And good morning, colleagues and folks that are joining us from various outlets. So I wanted to speak to the original deal that has been mentioned and just kind of provide some facts. I always try to, when on the mic, be rooted in fact and not feelings-- even if I have big feelings about things-- because it's not helpful. And I have found as a freshman in this body that-- and, and really when we came in, I, I think back to our freshman orientation. We spent a lot of time together. We spent a lot of time with senators that were tenured, that had termed out. They came back to provide support around, like, how do you-- what are you getting into? How do you support this institution? How do you honor this institution? And what we heard over and over again is that your word is your bond. All you have is your word. And so even if your word is that you disagree, you should tell that person that. Or if you've changed your mind, let that person know about your vote that you've changed or the, the situation or environment has changed. And I have personally witnessed that that has not always been true. But again, this is not about my experience or how I feel about it. I just want to name that we all have a perception and we all are navigating this space in different ways. And I hope that it always boils down to and comes back to that we were sent here as conduits to represent our constituents. We were sent here as conduits to be a voice for our, our community, our neighbors, our family, our friends, and that there will be discourse, there will be dissonance. And there might not always be alignment, but we should always come back to centering those in, in the job that we were elected to actually do. And so with LB440, which was my priority bill, there's some semantics. It's still technically in committee because the amendment came out, but there was a conversation and negotiations had. I talked about this on the mic yesterday explicitly that, as the Retirement bill, which is LB645-- and I'm hoping I'm getting my numbers right. It's the end of session and a ton of numbers to remember-- that the contribution for teachers, districts, and the state would go down. And so as I worked with the teachers union on this bill, when we thought about the pay source and not creating an, an unnecessary unfunded mandate, that some of the savings that were actualized by the retirement contribution going down could be used to provide teachers much needed benefit and support around paid FMLA. It went from six weeks to three weeks to two weeks-- again, to think about being fiscally responsible, to respond to

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the superintendent's feedback, other folks' feedback in their district. The other part of that conversation that was had was that specific groups would not mobilize to try to derail LB131, which is what the opposition has been within the LB647 package. So in general, the LB647 package from Revenue has not been an issue from at least folks that I have had conversations with. It's specifically the element of LB131. So the conversation that was had-- and there was a meeting with myself, Senator von Gillern was there, Senator Dungan, Senator Murman, Senator Murman's staff around here's how all of these things play together and here's everyone's expectations, the alignment. And it was specifically a conversation that LB647 in itself would not have extreme opposition because most of the folks aligned to the policies that were being put into that package, but there was opposition to LB131, which has always stood, and that the policymakers elected in this body would have the conversation on the mic, they would raise the concerns-- which happened at every round in debate-- but that specific entity and community partners would not mobilize to kill that section. And so there was conversation. Folks were all up to date. And it-- and was to ensure that there was clear and transparent communication, because that's something that I really believe in. Anyone that is impacted by decisions that are made-- and there's lots of ripples and dotted lines to other people's policies in their committees-- that we were communicative around that and what happened. And, and that did happen. When full and fair debate did happen on each level, there were conversations on the floor around, are you going to filibuster? What is happening? Because again, there was alignment and agreement of the actions and behaviors that were gonna happen. And so I just wanna make sure that ag-- that I rise to provide some of those facts around the conversations and alignment because I think transparency is important. And I take my character and my word and how I show up in this place very seriously. It's important to me because it's not about necessarily a representation of me but my community.

KELLY: That's your time, Senator.

SPIVEY: Thank you, Mr. President.

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

DeKAY: Question.

KELLY: The question's been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

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CLERK: 25 ayes, 5 nays to cease debate.

KELLY: Debate does cease. Senator Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: As we are on Final Reading, I believe everybody needs to be in their seats first. I-- check in, please.

KELLY: They don't have to be in their seats on a motion, Senator.

M. CAVANAUGH: OK. Well I'd like a check-in please. OK.

KELLY: You can't request a check-in. We're on Final Reading. Please proceed. 4 minutes, 35 seconds.

M. CAVANAUGH: I'm sorry. Point of parliamentary inquiry. Mr. Clerk, yesterday, didn't people request a check-in on Final Reading multiple times?

CLERK: Senator, that was when a vote was pending on Final Reading itself. This is on a motion to recommit, MO298.

M. CAVANAUGH: But the presiding officer just said I can't request a check-in on Final Reading.

CLERK: Senator, you are not about to take the final vote on the passage of LB647e.

M. CAVANAUGH: So for the record, the presiding officer misspoke and meant to say that I can't do a check-in on a motion to recommit. Can you say that for the record, please?

CLERK: Senator, I don't want to speak for the presiding officer, but that is my understanding, is, on Final Reading, the check-in would be on the vote of final passage of LB647e.

M. CAVANAUGH: Would the presiding officer like to make that--

KELLY: Please proceed. You have 3 minutes, 40 seconds.

M. CAVANAUGH: Mr. Presiding Officer, I am trying to make sure that our record is accurate and if you would like to clarify that-- no?

KELLY: I would not. Please proceed.

M. CAVANAUGH: OK. I-- I already have a reconsider for this motion pending, so I will spend my ten minutes on that open to talk further. I

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am disappointed. I think that process and procedure is really important and, and getting clarification for the record is really important. And I understand the Clerk not wanting to speak for the presiding officer. I do think that it is unprofessional for the presiding officer to refuse to make the clarification. It was a mistake in how it was stated. And it-- for the permanent record, it should be clarified. And that is unfortunate. I don't really see the reason why you wouldn't take that opportunity. We do make mistakes in, in, in here and when we speak, and it's usually easily rectified. And this could have been easily rectified. And I don't know why you would be disrespectful to the institution in that way, but I guess that's your choice. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, the question is the motion to recommit. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 10 ayes, 31 nays to recommit the bill.

KELLY: The motion fails. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on MO298 with MO340.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, you can call the question. I even raised my hand on that one. Whatever. We're going to take this to cloture. That-- I've-- I stated that from the beginning. If I run out of things, I'll file more things. I did try to do this yesterday. I, I did speak with Senator von Gillern. I apologized for insinuating that he was a part of a deal that he was not, apparently, a part of. I did not intend to insinuate that anyone was a part of something that they're not a part of, which is why I didn't say anyone's names, because I wasn't in the room. I was told on General File for LB647 that I was asked to not fight the NEST portion of this because it was part of a deal-- or an agreement, if you prefer. I'm not going to speak to who that agreement was between. I was told that that was the agreement, and I was asked to not fight LB647 on General File. So that is what I did. And I did tell Senator von Gillern why I was doing this yesterday, and I appreciate him clarifying that on the microphone. I do not appreciate colleagues making fun of me, essentially, for going and having a private conversation. Yes, it's on the floor. Yes, people could see it. But it was between myself and Senator von Gillern for comments that I felt were harmful to my

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reputation. And saying that I'm just throwing a hissy fit or a tantrum or whatever is unbecoming and disrespectful. And when somebody says something about you that you feel is slanderous, I will not do that discourtesy to you. I don't know why this has gotten so heated. That wasn't my intention. I don't know why the presiding officer just treated me with such disrespect. I don't understand. Process and procedure matter a great deal to me. And if I ask for something that isn't valid, like a check-in on Final Reading but we're on a motion so I can't ask for a check-in-- I probably could have asked for a call of the house-- I appreciate learning and knowing that. I don't appreciate being dismissed by the president of the-- presiding officer. And on my time, I gave him the opportunity to clarify a simple misunderstanding. Colleagues, yesterday one of you came up to me and said, even though we don't agree, that you really respect me. Because I'm honest and I'm straightforward and I advocate for the things that I believe in. So you can probably understand how having somebody say that I didn't do something that I did would be hurtful to me. And that situation has been rectified, and I appreciate that. And I hope that I have also rectified my misspeaking, because I don't want to be misrepresenting anything that others are doing. But there's just-- there really isn't any reason to treat me with such disrespect all of the time. I worked hard to get here. I worked hard to get here a second time. I ran, and I-- between the primary and general election, I had a baby. I was nine months pregnant when I had the primary election. I ran in a plus-seven Republican district against a very well-funded Republican incumbent, and I won. And then I won reelection. I may be one of the, if not the, most progressive person in this Legislature, and I represent a conservative district. Why is that? Is it possibly because when I go and talk to my constituents I'm honest and forthright with them, that I stand for something, that I don't back down, I don't flip-flop, I have convictions, and when they ask me a question I give them a straight answer? And I do the same thing to you in this body. Why? Because I have respect for this institution. I have the respect for the voters. And I attempt every day to have respect for each and every one of you. But when you disrespect me constantly and mock me on the microphone, it is very difficult to maintain that respect. You don't need to call the question. I'm taking it to cloture. It doesn't matter. If you want to keep go-- going through that rigmarole, fine. Because it just means I don't have to talk, which I prefer. So call the question if you want to. It just means that everybody's going to have to keep coming back to their seats. But you don't have to. I'm gonna take this to cloture. So now onto the bill, LB647. It's a Revenue package that includes Senator Sorren-- Senator Sorrentino's-- I'm sorry. The alliteration there is a little hard. His, his bill-- I apologize. I don't remember-- recall

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what the specific bill number is, but it is for changes to the NEST program. And I, I appreciate what Senator Sorrentino is doing here. It's, it's not something that I supported to begin with, and I'm not-- I don't have malicious or ill intent towards him. I just don't agree with this philosophy for basically tax diversion. I think that taxpayer dollars should fund public good, and private education is not public good. Public education is public good. I've been very consistent on that. It is my true north on tax policy and education funding. And I really had a hard time standing down on this to begin with, but I tried to respect what, what conversations others were having with, with Retirement and Education and Revenue and whatever individuals were involved in those conversations, trying to come together. This is oftentimes how the sausage is made. And the same thing was on-- I think it was LB150 that moved forward the other day. And I wasn't a part of any of those conversations. And I didn't like what was happening in that bill, but I was asked to step aside, and I did. Because that's our job. Right? Our, our job is to work with each other and to sometimes step aside for something that you don't agree with because something that you do agree with is going to move forward as a result. It's not malicious or, or dirty politics. It's collaboration. And I guess the term "deal" is off-putting. I should say "agreement." There was an agreement that certain things would happen. And those things didn't happen, and that's what has brought me here today. I did not want to imply any malicious intent by any colleagues. The agreement didn't happen, therefore I am no longer beholden to step aside on LB647, so I am not. Thank you, Mr. President.

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

IBACH: Question.

KELLY: Question's been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote all-- aye; all those vote-- re-- request for a roll call vote. Mr. Clerk.

ASSISTANT CLERK: Senator Andersen. Senator Arch. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar. 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. Senator Dungan voting no. Senator Fredrickson not voting. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting

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yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting no. 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 not voting. Senator Quick not voting. Senator Raybould voting no. Senator Riepe voting yes. 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 yes. 30 ayes, 11 nays on the motion, Mr. President.

KELLY: Debate does cease. Senator Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. I appreciate it. I think people just like hearing me talk, because if you call the question consistently, like you did when Senator John Cavanaugh had a bunch of amendments pending, then you only get to hear me talk. So that's, that's nice. I have, after this-- and Senator von Gillern did mention my next floor amendment, strike Section 1. So I filed that as a placeholder because I was trying to get an actual amendment drafted to strike the NEST program yesterday. And so I just filed an amendment to have something filed. And then I got the placeholder-- or, I got the actual amendment this morning and filed that this morning. And so that was why I did that. But since the question's-- and I was gonna withdraw that. But since the question's being called continually, then I now will not withdraw it and we'll go through the motions of that one. And then we'll get to the NEST one after that, because that's how, how this is going to go, so. I don't-- is it possible, Mr. Clerk, to tell me what time cloture is?

KELLY: 12:24.

M. CAVANAUGH: OK. Thank you, Mr. President. 12:24. OK. So that's an hour and 10 minutes. It's, it's just good to know how, how long I have to entertain you all. I'm just looking through the rules, and I remember that I wanted to have a rules discussion some time this week. And then I ran out of time or-- I don't know. The question was called and, and now I can't-- it was something specific, and I can't remember what it was. And I was hoping that I would remember. So yesterday-- well, I'm just gonna spend some time explaining a few things. So yesterday, we stood at ease for, I don't know, maybe it was four hours. I, I kinda lost track. And I had-- I'm gonna, I'm gonna say his name,

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Senator Clouse, asked me about it, was that normal? Yes. We had this discussion-- I would say a nice discussion at, what, 6:30 at night when we were trying to leave the building that, yes, in fact, standing at ease at this late date is normal. And the reason is that there's very specific things that have to happen before Final Reading, and one of those things is that a bill has to go to-- we say up because it's actually upstairs-- go up to bill drafters or to engrossing, and it has to go there for engrossment. And then it has to be read across. And it has to be read across and then laid over for one day. So anything that was on Select File yesterday had to be read across yesterday and be laid over today so that we can take it up on Monday. So all those Select File bills that we moved yesterday can now be taken up on Monday. It is in the constitution that we must have that one layover day. It's not a rule we can suspend. We have to do it. So that's why we were standing at ease for a few hours last night. And that isn't an unusual thing to have happen at the end of session. Actually, I feel like we've done it in the past even more times than just right at the end. I feel when we've been trying to get, like, big Revenue packages or something done that we've stood at ease until late at night and done that, so. Vote, vote your, vote your heart on this motion to reconsider. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, the mot-- the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 31 nays to reconsider, Mr. President.

KELLY: The motion is not adopted. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to return to Select File for a specic-- specific amendment, that being FA289.

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

M. CAVANAUGH: Thank you, Mr. President. So FA289 is the floor amendment to strike Section 1. So I'm just going to pull up Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Recreational Trail Easement Property Tax Exemption Act. So I will rebut that actually striking this doesn't strike the bill. It just strikes calling it the Recreational Trail Easement Property Tax Exemption Act. I mean, I still don't think you need to vote for it, but just, you know, clarifying what this does. Oh, man, clarifying what this does, you know what that reminds me of? The serial comma. Oxford comma. Clarifying. Is it necessary? No. But is it clarifying? Yes. And that is what Section 1

does. It may not be necessary, but clarifies what this act is or what this bill represents. The Recreational Trail Easement Property Tax Exemption Act. I know everybody was really worried that we wouldn't have more conversations about the Oxford comma this year because we didn't real-- I haven't really dug into it that much this year. And for those that are, are new to this space, new pages, I love talking about the Oxford comma. I also like to have an internal debate on the microphone with myself on the pros and cons of the Oxford comma. We do use it very inconsistently. I have talked with various reporters over the years about why you would or wouldn't use it in reporting. And it seems to be the consensus is that, in reporting, you don't generally see the Oxford comma because it takes up space. And when you-- I was in journalism in high school. And I started out as a journalism major in college. And so when you start-- when you are, you know, filling your space, you really do only have so many characters that your editor is going to let you use. And so using the Oxford comma, that's valuable real estate that could add up over the course of an article into an entire word or two. Therefore, they don't tend to use it as much. Now-retired reporter from the Omaha World-Herald, Martha Stoddard, and I used to have our conversations about the Oxford comma. And you can really dig into it. I did also wanna dig into the day that Senator John Cavanaugh talked about the en dash. And I had it pulled up-- and maybe I'll get back to it later today-- about the differences in dashes and when you use them. Because much like the Oxford comma, there's an en dash, an em dash, and an end dash. So there's an e-n dash, e-m dash, and e-n-d dash. And then there's just a dash. And they all have different meanings and purposes in grammar. And I love grammar. My mom used to teach grammar as an adjunct professor at Creighton University when I was in college, and she would call me-- I was in school in Minnesota-- she would call me and she would give me her weekly test over the phone to see how I would do. And she'd be very disappointed if I didn't do better than her students. Without studying. I was like, well, you're asking me-- I-- maybe I need to study a little bit. She, she felt just osmosis should have got me to the point where I could do better than her students. I'm not-- I don't actually remember how well I did on them or not. And-- but there you have it, so. And when talking about the Oxford comma, when I really dug into it in 2023-- and somebody actually gave me a T-shirt about the Oxford comma. And one of the pages, who I think has graduated, she had-- she came up to me one day and showed me her wrist. She had a tattoo. And I was like, is that the Oxford comma? Because it could have been, like, a quote or something. It was, in fact-- she had a tattoo of the Oxford comma on her wrist. And I was like, that is next-level love. And I have said oftentimes that when I am done in this Legislature that I want to get a

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tattoo. And Senator Spivey has offered to go with me. I don't have any tattoos, but maybe that's what I'll get. Maybe I should get the Oxford comma and maybe Delanie, the page, will come with me as well and I can get a matching Oxford comma to her, because I just loved that she did that. So I did pull up here the differences in dashes. OK. Here we go. Em dash is for parenthetical information used to close parenthetical information similar to a parentheses. So em dash-- e-m-- you can use that instead of parentheses. En dash-- e-n dash-- is used to indicate ranges of numbers, dates, times, or measurements. For example, January, en dash, 1-- or, 1, en dash, 10. So January 1 through the 10th. Connecting places-- Boston to New York-- or connecting-- create a compound adjective, particularly when one of the words is itself a compound word. For example, New York City, em da-- en dash-- born artist. That's interesting. I think that's interesting. Oh, this is-- this was it. I-- now I found it. This gives all kinds of examples on these. I-- which I find quite delightful. This is Merriam-Webster's online dictionary, which-- actually, I'm going to pause on that thought and go to a different thought. So I saw a video on-- I don't have TikTok, so it must have been on Instagram-- talking about how my generation, I guess, like, used to use the phone. And we used to use the phone in the kitchen. It had a long cord attached to it. At my house, I had a really long cord. You could actually, like, go around to another room or into the stairs or things like that. And you could run under it. When my sister-- my oldest sister would be on the stairs on the phone, you had to punch the numbers-- like these phones-- but even different. And we had a phone book. And you'd have to know your parent-- your friend's last name and their parent's first name or generally what their address was. I see you shaking your head yes. You remember this. And you-- to-- if you wanted to call your friend and you didn't have their number and-- so it's Susie Smith. And it's, like, Smith? What's Susie's dad's name? It's Jim. Oh, great. So you look at the Smiths and you look at Jim and James, and you gotta figure out which one is your friend. Now, if it's a friend from school, you can probably look at the address in the phone book and assume that it's the one that lives kinda near the school. And then, you know, shot in the dark, you, you, you call and you ask if Susie's there. They're like, there's no Susie here. And that's, that's how we used to-- that's how we used to communicate with our friends. One of my best friends in high school who married my best friend from grade school-- and they met at my 16th birthday party-- her parents had a rotary phone in the kitchen. And every time I had to call my parents to come pick me up, I-- you have to go all the way around. I don't know if you know a rotary phone, but it's every number, but you have to start and then it goes all the way around. So it's like three, da-da-da, and then nine, da-da-da, and

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then three, da-da-da. And if you accidentally do the wrong number in the middle, you have to start over, which happened all the time. God bless those rotary phones. I see that people have gotten out of the queue. I guess my talk on grammar has convinced my colleagues that they don't want to hear me talk constantly for the next hour, which I don't know if I should be offended or grateful. But I guess I'll just see you all on the next time on the mic and we can pick up this delightful conversation that I'm having with myself. Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Good-- it's still morning. Good morning, colleagues. So we've had fair and full debate, but, you know, at the end of the day-- let me pull up the, the results, but I have been getting emails all morning from public school administrators across the state asking us to oppose the 529 portion of this bill. Now, the, the, the-- 529 plans, when you divert public taxpayer dollars to private schools, that is indeed a form of school privatization. Now, there's nothing wrong with private schools. We have fantastic private schools here in Nebraska, just as we have excellent public schools here in Nebraska. And this last November, the people of Nebraska overwhelmingly voted to repeal the school privatization bill that had finally made it through. So here we are again debating policy, debating concepts, philosophies, that the public has shot down. Nebraskans do not want their taxpayer dollars going to fund private education. And there's nothing wrong with private education. We have a very generous philanthropic community here in Nebraska that provides millions of dollars in scholarships for kids that want to go to private school. And that's fine. But colleagues, the people have spoken. And I know that's a line that we've heard a lot this, this session, the people have spoken, but the reality is is that-- and we've seen it in other states. 529 does open the door for large-scale implementation of school privatization policies. And in state after state after state, we've see the devastating effect that that has on our schools. State after state. In an analysis of what were the results of large-scale privatizations in Indiana and Louisiana, the impact on test scores was akin to that of Hurricane Katrina. School privatization has a detrimental effect on public education. Analysis after analysis, state after state shows that. Which is why we have the opposition here. It is a slippery slope. In the lead-up to, I believe it was LB1402 last year, I had colleagues in other states-- actually, it was one in particular from Wisconsin-- no, it was Indiana. It was a colleague from Indiana who called and said, do whatever you have to do, but don't let school privatization come to Nebraska. It will ruin your schools. And it's-- I know it often

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feels like a, like a partisan issue, but it's not. Colleagues from the other side of the aisle from across the country that have seen the detrimental effect that these policies have, have been vocally speaking up against it. And that's even before we look at the fiscal note. Now, in, in LB647, the implementation has been pushed out a little bit. But when we look at the forecast of where our state's financial state is going to be in the coming years, it doesn't look good. So let's not add another \$3, \$4 million that we're going to have to scrape from somewhere else. Thank you, Mr. President.

KELLY: That's your time, Senator. Thank you. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, thank you, Mr. President. Good morning, colleagues. I, I, I know our debate was truncated on the provision in this package that relates to the first-time establishment of a savings account for the utilization in religious schools or private schools in the K-12 context in Nebraska. And I'll-- I-- admittedly-- and the record's clear from this and-- in conversations I've had with stakeholders and colleagues, I, I really have been torn about this provision trying to think through the practicalities of it, the policy aspects, and then also the legal and political aspects as well. It's far more complex than it might appear at first blush. On the one hand, I readily understand and can support and agree with the fact that people have a right to do what, what they want to with their own money, right? Individuals are funding these accounts with their own dollars to figure out if that's the best move for them and their family to seek education in a religious context or a private school or otherwise. And I fundamentally support a parent's right that is unequivocal to guide their child's education, whether that's choosing a public school-- as well over 90% of Nebraska families do-- or choosing a private school-- which is primarily religious in Nebraska-- or opting into homeschooling their children as well. That is 100% up to the family to decide what's best for them and their, their, their children. And we have robust school choice in Nebraska in that regard and we also have a pretty good option enrollment program that works well for most students in Nebraska, but not all. You know, Senator Armendariz and Murman and Senator Hansen and others are looking at ways that we can make that program work better for kids with special learning needs. And unfortunately, it seems we ran out of time this session to take that up. But one thing that I did want to talk a little bit more about was the fact that I don't think there has been any sort of significant analysis-- or any analysis, from what I can glean in the record thus far-- as to whether or not this provision of this Revenue Committee package in regards to the educational savings account would violate our

constitutional provisions for both religious freedom and no aid. See Article I, Section 4 and Article VII, Section 11. And I did note on Select File that after doing some addit-- research from General to Select File, there was a line of cases from one of our sister states that literally was looking at the question about whether or not these 529s would violate their similar constitutional provisions like Nebraska has, and there were court decisions that found it constitutionally problematic. And basically, it follows kind of the same line of thinking-- and I'm speaking in very, ver-- very general terms since we have such limited time. But in interpreting the no-aid provisions and looking at our robust constitutional, statutory litigation initiative and referendum histories around these issues in Nebraska, what the courts have said here is that it's not going to violate that sort of no-aid provision if the benefit is equally available in the private school and the public school. So that's where you see the transportation piece. That's where you see the textbook loan piece. Those are, are some of the most common examples. But what we talked about-- and I appreciate Senator Sorrentino's dialogue with me on this in Select File-- is that, admittedly, due to the Free Instruction Clause, public schools do not charge tuition in Nebraska. Thus, it creates a disparity. The utilization of these funds for private school and the tax benefit that's attendant thereto would in fact create something separate, distinct, and not available to public schools, and that's what raises the legal question here that hasn't really been teased out and I think is worthy of additional deliberation to see how if in fact this program might fare against the constitutional and legal constraints which Nebraska has upheld.

KELLY: That's your time, Senator.

CONRAD: Thank you. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. As I am known to be, as is Senator Riepe, a fiscal hawk, I would like to yield my time to Senator Raybould so she can share with us some of the fiscal aspects of LB647.

KELLY: Senator Raybould, 4 minutes, 45 seconds.

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. I know that we do have philosophical differences about the fundamentals of this bill, particularly funding private education. But the reality is we, we just went through a very challenging budget process where we were very, very mindful of \$1 million here, \$500,000 here, and cuts to

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various other essential programs that our fellow Nebraskans depend on and would like to continue to have access to. And so for my colleagues who are listening, if you just go online to search the bill, LB647, and you pull up the fiscal note-- and they do a great summary in the very last page of it-- what is disconcerting is the, the funding for the entire bill of LB647. And they, they go through fiscal year '26 all the way through fiscal year 2031. You can see that for the Nebraska Educational Savings Plan that, by the end of fiscal year '31, it'll be a loss of revenue of \$3.5 million. That's substantial. That is significant. As a person who rides the trails, I would have liked to see the funding restored completely to our trails that creates economic development and economic vitality for all Nebraskans. I would've loved to see some of the funding restored to the University of Nebraska in Lincoln and the university systems in general because, as you've heard in the-- President Gold and the chancellor have made a salary-- flat salary, or no increases, for the professors. And we know it's very challenging to attract and retain professors to our state. And so if you look at it strictly on the numbers and just base it on the numbers and the challenges and restrictions we have-- and the scrutiny that we have looked at for every single dollar-- I understand that this program will not get implemented, but nevertheless, for fiscal year '26-- which is next year-- they've off-- already established a loss of \$499,000. When you look at it-- the totality of the entire funding or fiscal note for LB647, when it talks about the adoption tax credit-- the adoption tax credit from fiscal year 2026 through fiscal year '31 is \$262,000. \$262,000 versus the cost for the Nebraska Educal-- Educational Savings Plan of \$3.5 million. The extremely blighted tax credit, which is, which is a, a wonderful tax credit-- oftentimes for first-time homebuy-- buyers. If you are in a tax increment financing district, a blighted area, and if it's determined to be extremely blighted, that first-time homeowner, owner-occupied can get an actual tax credit, which is essential for those first-time homebuyers. The extremely blighted tax credit program for all fiscal years, from fiscal year 2026 through fiscal year 2031, is \$126,000. That's it. But when you compare it to the Nebraska Educational Savings Plan, that's \$3.5 million. So for those folks who are fiscally conservative and, and look at our budget in a holistic, strictly nonpartisan fashion, this, this bill should give you pause, particularly for the funding for the Nebraska Educational Savings Plan. And I understand that we have been doing this-- this is, like, our-- my third session. And we repeatedly come back trying to find a way to implement and divert state dollars for private education. I ask my colleagues to look at the fiscal notes and, and be a little bit more, I guess, independent minded when it comes

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to-- is this something that we wholeheartedly want to invest in at the detriment of our public education? Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator, Senator Spivey and McKinney have some guests in the north balcony from Girls Inc. of Omaha. Please stand and be recognized by the Nebraska Legislature. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I rise again in favor of the motion to return to Select File. And I wanted to speak a little bit more about some of the concerns that I have about the expansion of the 529 NEST plans contained in LB647. I think Senator Raybould highlights a number of good concerns with regard to the fiscal aspect. And, you know, one of the things that we talked about in the Revenue Committee this year, obviously, was the fiscal impact of the various bills that we were going to pass. And as has been highlighted, there's a desire, obviously, to make sure that we're not increasing our deficit and that we're able to pass a constitutionally balanced budget. The reality of the situation is that an expansion of the 529 plans does, according to the fiscal note, have a fiscal impact. And that fiscal impact doesn't necessarily come in the form that you would normally see it with regards to new FTEs or things like that. But the fiscal impact comes from foregone revenue due mostly in part to the state income tax deduction that you would get from the money spent or taken out of the 529 plans. And so Senator Sorrentino I think did a really good job with the numbers on Select File talking about the individual impact that this may have. And I, and I would tend to agree with him. We're not talking about a, a windfall that people are going to get. And I-- and that's not my concern, right? My concern is not that we're gonna see a massive influx of money for certain individuals. I think he factored out the math of an additional maybe \$400 to \$500 annually for families of a certain amount. But the reality is, if you look at the full extent of the usage contemplated by the fiscal note, it does say that despite the individual impact that you're going to see, there is still going to be a broader statewide aggregate impact of upwards of \$3 to \$4 million annually due to the foregone revenue from this. And that impact is not insignificant. And in a time where we are talking about making ends meet-- and again, we're nickel-and-diming different agencies, we're reducing \$100,000 here, \$400,000 there-- the, the budget debate we had was very niche in that capacity. \$3 to \$4 million annually is a significant fiscal impact. And so in order to not have that affect the green sheet in the immediate future, the implementation date of this LB131 component of the package was delayed, I think, until 2028 or 2029. I'd have to go back and double-check. I think it was '29. But ultimately, I do have a concern in the long term that there is a fiscal

impact of that as well. Additionally, Senator Conrad-- and I, I think she's back in the queue, and I hope she continues to go down this conversation about the potential constitutional issues-- I think is highlighting a, a portion of this that is not talked about enough. With other bills that we've debated in this Legislature in my time here, both with LB753 and then certainly again with LB1402, we focused a, a large portion of the conversation on the constitutionality aspect. I think there was some discussion about how this was different from a constitutional perspective. But I actually think, in talking with her, she's raised a number of concerns that I have now about the constitutionality of this. And the fact that it is providing a benefit only for private education that is not afforded to public education does create that question. And so, you know, I think there's a, a, a further fleshing out that can be done with regards to the appropriative aspects of this. And I would just highlight that this will show up as an appropriation on the green sheet by virtue of the fact that this bill will cost money. So having a specific line item for that foregone revenue in my mind-- meaning that we cannot reduce-- or, we cannot spend that money then-- it's a reduction in our ability to spend-- I believe results in an unconstitutional appropriation as well. So I appreciated that conversation. I don't know if I'm going to get to talk again, but the last thing I would add here is that these plans, when they've expanded the benefit or the access to these plans to go to private K-12 education in other states, what's interesting is we've been able to look at data since 2017 when these expansions happened. And what we've seen is that an expansion of these plans does not result in benefits to low-income families. What it results in is a disproportionate benefit tax deductions at a disproportionate rate going to upper-middle-class and upper-class families who benefit from these kind of plans at a higher level. So if your intention is to help low-income students get that school choice that we hear about all the time, I would just propose that the, the data that's been shown and the studies that's been shown do not support that an expansion of 529 plans results in low-income families getting the benefit. It really does result in a windfall for upper-middle-class and upper-class families. So wi-- thank you, Mr. President. I see my light. Thank you.

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

JUAREZ: Thank you. Good morning, colleagues. Good morning to everyone online and those watching on TV. And I wanted to ask Senator Machaela Cavanaugh if she would yield to a question.

KELLY: Senator Machaela Cavanaugh, will you yield to a question?

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M. CAVANAUGH: Yes.

JUAREZ: OK. Thank you. So I have this idea that I wanted to discuss briefly. And I just wanted to get some feedback because of your seniority in the body. And my idea is that, you know, when we have both budget and Appropriations being different committees-- no, it's Revenue and Appropriations.

M. CAVANAUGH: Right.

JUAREZ: That's the proper word. OK. So I'm wondering why as a body that during our session that we can't get more frequent reports of what's going on in the committees. Because my experience as a freshman is-- obviously, all of us are busy in our committee assignments, so I'm not really aware of what's going on in these two committees all the time, yet I think that they're so important. And so for the first time how we discussed the budget and what-- every-- what you guys were recommending about how to resolve that. I just feel that, would we be better off if we had more interaction on the floor prior to at the end when we finally have to pass bills? I wondered what your thoughts would be on that.

M. CAVANAUGH: Oh, I appreciate that so much. I actually put in an interim study to create a ways and means committee, as we see at the federal level, where the ways-- the revenue-- and the means-- the appropriations-- work together so that there's greater communication and dialogue as we are crafting both our Revenue packages and our Appropriations packages. And so I hope that that's something that we can work on over this interim time. And maybe something-- if you have an interest, perhaps we can talk to the Executive Board to have you included in those conversations.

JUAREZ: OK. Thank you. I, I think that that's really a great idea. I just think that, you know, my exposure here being new, that it would be a lot better for the process if we had more frequent discussions before we get to the end when we have to make this yes and no vote--

M. CAVANAUGH: Right.

JUAREZ: --you know? And, and especially because, you know-- obviously, how we're using the tax dollars is just so very important. And I know that all of us here in our body want to be good stewards of the tax dollars. All of us, you know, have that goal. And I'm just throwing that suggestion out of what my initial experience is, if there was something I was going to provide feedback on, improving our operations

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for the future. I just wanted to give those thoughts to both committees. Thank you.

M. CAVANAUGH: I think that-- if I may, I think this is something that perhaps when we have our Legislative Council meeting as well, we can talk through what the expectations are for the coming session and what the timeline is on, on things. And maybe through this interim study for ways and means, that can be incorporated in-- into how we can have greater communication with the full body.

JUAREZ: Yes. And I think that it's really good to use the valuable time that we have, you know, after the session is over to always try to see, how can we improve? How can we be more effective representatives for our state in the future? And I'm glad that we're going to take a look at that.

M. CAVANAUGH: Thank you.

JUAREZ: Thank you.

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

SPIVEY: Thank you, Mr. President. And good morning, folks. I want to give a special shout-out to Girls Inc. of Omaha. So I am actually a Girls Inc. member through and through. I started going there-- I think I was in the third grade, maybe-- up until almost about high school. And actually, Girls Inc. is one of the reasons why I got into public service. And I think-- I will give a shout-out of why I'm here. I was the first Girls Inc. president of the north location. And so I had to run a campaign. I had to run a campaign. And my mom and I, like, made all these posters. And I think I gave out blow pops as, like, my way to entice people to vote for me. And they did. And then my mom got to sit on the board. And I got a scholarship to Metro Community College, which I did not end up taking because I went to Jackson State on a volleyball scholarship. But nonetheless, Girls Inc. does such important work on shaping the future of our young people in providing access and opportunity, so I'm really glad that you are here witnessing the people at work for you. So as it relates to LB647, I want to just fine point, exclamation mark some of the comments that were made around the concerns specifically with LB131 inside of LB647. I, I really appreciate the comments around the fiscal impacts that Senator Raybould brought up. I'm also a member of the Appropriations Committee. And as I have been thinking about our decisions this year and getting acclimated to the committee and thinking about our revenue versus how we appropriate the needs of the state, the impacts from the federal cuts

that we will continue to see that will impact us here, what we do now affects really our outyears as well. And while we have currently a, a balanced budget based on lots of maneuvering that-- some places I agree with and, and not-- the outyears are way worse. And we are looking at a billion-dollar deficit. I think we will start to actualize some of the federal impacts that we are seeing now within our House and Senate. And so we have to be cognizant and be really intentional about what we do and, and what we pass and why. And so with the General and Select File, I did have some concerns and thought my colleagues did a really great job of uplifting those. And I wanted to kind of come back to some of the parity issues that were discussed and mentioned earlier. And so 529 plans were very new to me. I actually had someone gift me 529 plans to my children, which I thought was super helpful, and I started to learn more. And so thinking-- and my kids go to public school. So I have a 2.5-year-old that is not in school currently, and then I have an 11-year-old that just started middle school-- he's in his middle school orientation, actually, today-- and attends public schools. And so this person gifted me these. He puts money in. He's one of my mentors and great friends and helped me understand, like, how we can save for the future because we know that scholarships are going to become more finite. We're seeing universities in very precarious situations now-- look at our university system based on some of our decisions. They're going to have to raise tuition. So what does that mean for working families, right? So 529 plans can help with that over that period of time while you're saving towards their education. And so what I understand these plans to be and, and how they work that-- for a private tuition and what it looks like now, I could put in \$10,000, the max. It sits for a period of time, and then I can withdraw that and get the full credit. And so for working and low-income families who are within public education-- which is free-- their saving process and how they utilize the 529 plans and the intention would not work the same way. And so from a parity perspective, it really does support folks that have the means to actually pay and gives them additional benefits, which is not the original intention. And so for those reasons around some of the parity and again what other folks have named, that portion of LB647 is what I have opposition to. And appreciate the work on other parts of the bill that have been done and some of the reminders around the other portions and, and what it does in that Revenue package. And I see my light is on, so thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I'm going to withdraw this amendment so that we can get to the next one.

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KELLY: Without objection, it is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to return the bill to Select File for a specific amendment, that being AM1640.

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

M. CAVANAUGH: Thank you, Mr. President. I, I know-- I asked people to get out of the queue so that we could get to this amendment, because this is the substantive amendment. And so the-- I'm thankful to them for doing that. Please feel free to get back in the queue. But I would like to for now yield the remainder of my opening to Senator von Gillern.

KELLY: Senator von Gillern, you're recognized and have 9 minutes, 38 seconds.

von GILLERN: Thank you, Mr. President. I'll just make a few quick comments. I walked into-- sitting out of the room, talking with different people, walked in when Senator Raybould was talking earlier. And she and I had a good conversation about the fiscal note, but I walked in when she was talking about the eventual cost of the fiscal note. And I, I was believing that she maybe was misunderstanding the cost to the current biennium, and I just wanted to clarify that the cost in the current biennium of the fiscal note is about \$1.6, \$1.7 million, of which 1.4, 1.5 is, is with regard to the NEST plan. So I heard the-- I heard the number \$3.5 million numerous times that Senator Raybould mentioned and Senator Dungan also mentioned. And both of them were correctly referring to the outyears, '30, '31, and those are projections from, from Department of Revenue. And, and again, I just want to restate that these are 529 plans. These are colle-- or, college savings plans-- now with the bill, they would be able to be used for primary education. And these are, these are families that are saving for their kids' educations. And just because they're doing their education in a little bit different way than, than what many others are, that doesn't make it wrong and it doesn't mean that we shouldn't support families. And, and particularly, these are quite often families of modest means, or grandparents in particular. And I shared in a-- another time on the mic that, that my wife and I have 529 plans for all of our grandchildren. And, and we contribute to those for, for Christmas and New-- and birthdays and, and those kinds of events. And it's just kind of a regular way to remind ourselves to, to help contribute to those kids' educations. And we've also contributed to our grandkids to the cost of their, their current-- their education at-- that they're going through now. And that would have been a more

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effective way to do that had we been able to utilize the 529 plan. So it's not a scheme. It's-- this is something I believe-- and Senator Sorrentino's the expert on this-- but is it 47 other states that, that are-- 44 other states-- thank you, Senator Sorrentino-- that are allowing this or, or utilizing this tool in the feds. This is-- just brings us-- really brings us in alignment with what has been the case under, under federal law for many years. Not under the new administration. This isn't something new that just happened. This has been around for a very long time. And then once again, I want to remind people of what actually is in the bill. And, and Senator Cavanaugh, I've not-- I just looked at her-- the amendment that she just pulled up now, and I think it does only strike the NEST portion of the bill. The previous would have killed the whole bill, but regardless, we, we need to-- the-- there's some things in the bills that are critically important. Senator Quick's bill, which was mentioned earlier, which is the first-time homebuyers credit for extremely blighted homes. Senator Dover's bill for trail construction. Senator Bostar's adoption tax credit. Senator Riepe's LB242, which is extremely critical for the counties and the municipalities in order that they collect their property taxes properly. It, it was extremely critical. We had meetings on the language on that bill that started three months before the sessions began in order to make sure that we got those worked through correctly. And then Senator Sorrentino's sports arena financing, which, which is a clarification on ownership. It's a-- it's an important clarification to, to have those around. So there's a number of important things in the bill. And I-- we've got about 22 minutes or so to cloture, so I would ask people not to get too far away. I would ask for a red vote on the return to Select File and a red vote on the AM that Senator Cavanaugh has, has dropped, and then eventually a green vote on the bill, so. Appreciate everyone's participation today. Thank you.

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

JACOBSON: Thank you, Mr. President. Well, we've heard some interesting dialogue today. I'm-- you know, we're on Final Reading, which means that we've had two rounds of debate to spend significant time debating these bills, looking at all the nuances. And Final Reading is just what is said, that it-- generally, we just move right through the agenda. And now here we are, return to Select File when we're running out of time to be able to come back and hear the bill again if that were passed. But what concerns me more than anything is, why are we taking the time today to go to cloture and-- when we know that the amendment's going to fail, the bill's gonna pass, but yet we're taking time? I want

to just repeat what I said the other day in terms of being disrespectful to your colleagues. Thi-- this is being disrespectful to your colleagues, when they would like to get out of here today, go through an easy day, long week following a long week, and go home for the weekend. And now it's going to be a late start because we're going to go later today, not just on this bill but probably on the next bill and then the-- and then the confirmations when it's not going to change the outcome. It's just going to change the time that we adjourn. So I would just encourage everyone that if you think that there's a legitimate move for your, for your amendments and you think you've got a legitimate shot to pass it, fine. But I don't think that's the case here. And so when you start looking at respecting your colleagues-- and actually, the, the-- everyone in the Legislature that works here, re-- keep that in mind when we're just taking time. So with that, I-- thank you, Mr. President, for the time.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. Good afternoon, I guess. We're just past the noon hour. So I also just wanted to quickly add a few additional pieces to the record. And, of course, speaking very generally due to the compressed nature of the time-- and I know we're inching towards clojure-- cloture, but it's well-established and undeniable that we have a proud history of religious freedom in this country and the right to express our religious beliefs in a way free from government intervention, commonly referred to and known as the separation between church and state. Those were core components of our country's founding. Those were key civil liberties that were properly and carefully safeguarded in our founding documents. And they were there for two reasons: one, to protect the rights of conscience and religious belief for each individual according to the dictates of their conscience and their religious beliefs that are fundamental to individual liberty from government intervention or oppression or inter-- interference, and then also to keep government from becoming religious in nature. So it really works both ways. It's first to keep the government out of the religious sphere, and it's also to keep religion out of a governmental sphere. So we know from that history with the Free Exercise and the Establishment Clause we see how that works in a myriad of different ways. No doubt complex applications that have tested legislatures, society, and the courts since the inception of our founding and continue through today and, and most likely will be con-- hotly debated moving forward. We also know that many state constitu-- constitutions have no-aid provisions in them. And it is undeniable that there have been fraught aspects of religious

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discrimination with the establishment of Blaine Amendments, as they're commonly known, and otherwise. And there's a lot of discussion about whether Nebraska's amendment is a quintessential Blaine Amendment or not. I will leave that to the scholarship for people to dig into on their own. But what's a key fundamental principle at, at heart here which I think would be interesting to know, there's about a dozen states, give or take, that don't allow for the utilization of 529 plans for private school tuition. And we know that over 30 states-- well over 30 states have these no-aid provisions in them. So I think it would be very interesting if there was a comparison or an overlay. And each of these no-aid provisions is not identical. There are important nuances therein. But if perhaps that in addition to fiscal considerations have been the reason that such a diverse set of our sister states have not opted into this option that does exist under federal law. So I think perhaps that may be tested in the future but would be important to note for the record. I think the other thing that's very interesting about this is the posture of where things are in terms of federal action. So it's been pretty widely reported that the most recent, quote, unquote, so-called Big Beautiful Bill and other measures moving its way through Congress have provisions for fairly robust tax credits to assist with school choice programs, much like the one that Nebraska voters turned back at the ballot box this very last election cycle. And so it would perhaps be a good idea for Nebraska to hit pause on this provision of this tax package and wait to see exactly what the parameters are of any federal changes in regards to the tax code that may implicate these types of school choice issues and programs. The other piece that I just want to lift up quickly is that though-- conservative leadership, religious leadership doesn't speak with one voice on school aid, school choice kind of issues, and there's a great deal of criticism even from the right that is pushing back against government entanglement in their private schools. We have a fraught history of that right here in Nebraska. Look no further than the, the hotly contested issues--

KELLY: That's your time, Senator.

CONRAD: Thank you. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. So AM1640 strikes just the NEST portion of LB647. To Senator Jacobson's inquiries about why are we doing this now, I did have conversations with Senator von Gillern yesterday and the Speaker yesterday, which I mentioned in my initial

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opening this morning, that I, I offered to do this yesterday, knowing that if we were to bring it back to Select today and actually vote for this amendment today that it would essentially kill the bill. It was decided, which is fine, to bring it to Final today. And-- with the understanding that I was going to be debating it and bringing this amendment but also taking it to cloture. So-- I mean, we can vote on this amendment. And then if this amendment is successful, then this bill will sit and carry over to next year. Or we can take it to cloture. Senator Dungan is in the queue next and then after that we'll get to a vote on this. And if this fails, I have another amendment pending that will take up the remainder of the time. And this is successful, then this will come back next year. So I hope that clarifies what we are doing here today. I don't think I-- I, I guess I, I take issue with it being implied that it's disrespectful to my colleagues to do my job. So I don't think that that's me being disrespectful. I'm here to do a job, and I'm doing it. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise again to support the motion to return to Select File. I know there's a lot going on today, so people might not have been listening when we first started this conversation, but I have gotten up and spoken on this issue on General File and Select File and again on Final Reading not because I'm trying to waste time but because I think it is an important conversation to have, and I think it is consistent with the things that I have said in my entire three years here, as well as what I said in the committee hearing. And it is a worthy debate to have as to whether or not the inclusion of Senator Sorrentino's LB131 should be in this package. And we have the opportunity, I believe, with this AM to strike that portion, which would permit the remainder of the package to go forward. And I will, I will re-- reiterate again, there's a number of things in LB647 that I think are great. There is-- there's a lot of fixes, I think, for local towns and villages where we worked with the counties and the League of Municipalities to ensure that the legislation that we kind of rushed through with LB34 during the special session didn't have negative impacts. There is a Senator Dover bill that I fought very hard for in committee with regards to the trails and the property tax related to the easements that you get for that. There's a number of portions of this package that I think are good. But I've been consistent that the inclusion of LB131 is problematic for a number of reasons. It's problematic with regards to the fiscal note. I understand the delayed implementation means it doesn't show up directly

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on our green sheet, but it will go into effect in 2029 and cost us money. And it is money that I think we should be spending elsewhere. And it's money that I know in the future, we could be looking-- if you look at our green sheet for the potential problems in the future, it's money that I anticipate us as a Legislature debating. And there's been some references to, you know, well, why don't we just change the law down the road if it's going to be too much money? Or, the delayed implementation allows us the opportunity to change the legislation. I, I would propose that we as a Legislature have not demonstrated a propensity for doing that. The idea that we can change our mind later on has not borne out when it comes to the money set aside for various projects even though they continue to raise in cost. And certainly, decisions that we've made that continue to be the core of a lot of our concerns with regards to revenue we seemingly refuse to have a conversation about. So I, I just don't have a lot of faith that we are going to walk back a decision that we make in the future. So once this goes into effect, I think that we're gonna have to live likely with the consequences of that. So financially, I think it's problematic. In addition to that, I understand that people see what's happening with LB131 as a different mechanism with regards to public dollars and private schools than what we saw with LB753 and what we saw from LB1402. But I, I do think that when you look at the big picture, it's being a bit obtuse to say that this is not the same thing that the voters voted on with regards to school choice. When you talk to people in the community and when you have a conversation with your constituents about whether or not they support public money going to public schools or vice versa, I, I don't think that a lot of them will make the distinction of the mechanism of the distribution. And so if what we're talking about is essentially the subsidization of tuition going to private school-- something that is unable to then happen when it comes to public education by virtue of it being free-- people will understand that we are giving up revenue-- which is the same thing as spending money-- with regards to people who choose to take money out of a 529 NEST plan for paying K-12 private education. And I'm not sitting up here saying it's a windfall. I'm not up here not saying that this simply is going to make people super wealthy. But I am saying it is a choice. And it's a choice that we are making as a body here today as to whether or not you think this is a good use of our public funds. And if people wanna go to private school, I think that's fantastic. My district up in northeast Lincoln has private schools. They do an amazing job. One of them I think is actually being honored tomorrow at a high school theater arts award ceremony. I think Lincoln Lutheran is getting some awards there. And so that's fantastic. I'm a huge supporter of that. But I do think it's a private decision that somebody

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makes. And there are plenty of philanthropic avenues with which private companies can help provide those scholarships. And we hear a lot in here about how private entities need to pick up the, the cost for things, whether it's bike trails or other things like that. So I just hope that we remain consistent in that decision-making. And so I would encourage my colleagues to vote yes on AM1640. My understanding is that would allow LB647 to proceed with all of the other essential components, but it would be a no on LB131. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I think we're getting really close to cloture here, so I appreciate the opportunity to quickly add a few additional points to the record in regards to potential legal concerns and recent developments on the federal level in regards to this provision of the Revenue Committee amendment that is relevant. And all of that information was not presented at prior rounds of debate and may be helpful to building the record in regards to this issue and for potential reaction in the community in regards to this provision of the bill. So the other piece that I wanted to note was there has been hand in glove with a lot of the conversations about school choice. And I've said it before-- and I echo what my friend, Senator Dungan, just talked about. I grew up with countless friends that attended private schools in my home county in Seward, and they had an awesome education and experience there. I know the same holds true for countless communities across Nebraska, and I'm proud to have a variety of different private religious schools in my district as well that I visited, spent time at, and I think they do a fantastic job, which kind of further illustrates the point that we already have robust school choice in Nebraska. The question is whether or not we should have public dollars going to support private schools, and that's where the disagreement comes in regards to the public policy issues. The other piece that I wanted to note, though, is that we know that there is a hot topic both in Nebraska and nationally in regards to school choice programs and whether or not they work well for kids with special learning needs. We know we have similar problems in our option enrollment programs for public schools in Nebraska as well. And it's really a high point of contention how the new federal effort would mandate many aspects of, of compliance for individualized education plans on private schools, and that has been very controversial in the private school community as well. And we know that this has come up significantly in regards to Nebraska's debates around school choice as well. But that is another thing that I did just want to lift up here, is that that is not going to be a helpful subsidization for many

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students and many families who have kids with special learning needs if we do extend this because there is no existing mandate in regards to private schools meeting the needs of kids with different learning abilities. The last piece I will leave with-- on the record is, I guess, two related to process. So the first being, as the only deliberative body in the state of Nebraska, each component of our legislative process is important and should not be dismissed. Look no further than just the last legislative biennium wherein key components of the governor's tax plan failed on Final Reading. Final Reading isn't just performative. It's actually meant to be a very grave last opportunity for reflection, for new information, to see whether or not agreements were able to be held to carry forward in terms of securing final vote and passage, and it should be treated as such. And whether it's Senator Cavanaugh or Senator Slama or Senator Erdman or Senator Chambers or Senator Jacobson or whoever has a fundamental and abiding belief that whatever is on the board is deserving of additional deliberation-- I may not agree with them. I may not cast my vote to support their position, but I support their right to speak. I support their right to represent their constituents as they see fit. And if you don't like it, the proper remedy is speech, so get up and complain about it. But I'm not going to do that, because this is important to a colleague to lift up. And I appreciate the opportunity to do that. And I will tell you for those of you who serve in the majority of thinking in this body, it is challenging to swim across the tide. And I appreciate the bravery that Senator Cavanaugh brings to our work.

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

VON GILLERN: Thank you, Mr. President. Looks like we're just a couple of minutes away from cloture here, so by luck of the draw, I got to be last in the queue, which is great. I just want to remind everybody in the room-- and, and we'll give a little bit of time for folks to head back into the room and to check out and get checked back in and-- butts in seats and ready to vote here. Just want to remind everybody in the room: if Senator Cavanaugh's amendment passes, the only layover day is tomorrow. No, the only layover day is Monday. Tell you how screwed up I am. This week has been pretty crazy. And then we come back Monday, June 9 to vote on it. So, eh, might want to factor that in. If you want to come back on June 9, that's your, your call. The only other outcome is if the amendment passes and it lays over and we don't come back, the whole bill dies. And I-- I've reminded everybody several times of what's in this bill. There's a number of different things that are in here that are-- that, you know, represent different interests in the room. Probably one of the most important one is Senator Riepe's LB242.

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The property taxes will not be collected properly by the counties and the cities if LB647 does not pass with LB242 in it. They will not. The, the property tax collection will be a train wreck. And we all know who represents NACO and the League of Municipalities, and those folks worked extremely hard on the language on this to get it right, to get it in the bill properly. We tuned it up between General and Select to make sure that it was-- that it was accurate. And like I said, with-- the-- two options here: either the bill dies or we come back on June 9. And, and those are-- that's just the reality. So I, I, I just ask you to be extremely critical in your thinking about how you, you vote on this. There are those in the room that do not, obviously, like the portion of the bill that refers to the NEST plan, and, and I think that's really unfortunate that the whole bill can potentially be submarined over that piece of it. I think it's unfortunate that folks won't give that piece a little bit more grace for the families that it would help in Nebraska and the, the students that it would help. And I'm not going to go down the, the rabbit trail about, you know, private versus public education. That isn't the point. The point is that families need that assistance in the state of Nebraska. And this will bring us in compliance with federal regulations. It'll bring us equal to 44 other states that are utilizing this tool. And it's, it's really quite silly that we're even talking about it. The, the momentum is there. I believe it's time to do it. This is not a, a cracked door on, you know, private school. This is not, you know, going against anything that ballot initiatives passed or didn't pass this last year or the will of the voters or anything along those lines. And I'm, I'm glad, at least from what I heard, I don't think the tone of the conversation today went there, so. It's been a lively discussion this morning, and there's been some information shared. And I, I would appreciate everybody in the room voting red on the amendments, voting green on the bill when we get to it. And I think I have burned enough time to where we can maybe move on to a motion here. So I will stop talking. I won't use the words that annoy Senator DeBoer. I'll just say thank you, Mr. President.

KELLY: Thank you, Senator von Gillern. Mr. Clerk, do you have a motion on your desk?

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

KELLY: Senator von Gillern, for what purpose do you rise?

von GILLERN: To vote cloture. I'd like a call of the house and a roll call vote, Mr. President.

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KELLY: On Final Reading, there's no call of the house. Will all-- senators, please return for a vote on Final Reading. All unexcused members are present. Members, the first vote is on the motion to invoke cloture. We-- roll call vote requested. 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 yes. 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. Senator-- not voting. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. 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 not voting. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting yes. 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 yes. Vote is 35 ayes, 11 [SIC-- 13] nays to invoke cloture, Mr. President.

KELLY: Cloture is invoked. The next vote is on the motion to return. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 33 nays, Mr. President, to return to Select File.

KELLY: The motion fails. The next vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB647]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB647 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Clements, Clouse, DeKay, Dorn, Dover, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Quick, Riepe, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Cavanaugh, Cavanaugh, Conrad, DeBoer, Dungan, Fredrickson, Guereca, Juarez, McKinney, Prokop, Raybould, Rountree, Spivey. Not voting: Senator Hunt. Vote is 35 ayes, 13 nays, 1 excused, not voting, Mr. President.

KELLY: LB647 passes with the emergency clause. The next bill is LB647A with the emergency clause.

CLERK: [Read LB647A on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB647A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Machaela Cavanaugh, Guereca, Juarez, McKinney, Raybould, Spivey. Not voting: Senator Hunt. Vote is 30-- 42 ayes, 6 nays, 1 excused, not voting, Mr. President.

KELLY: LB647A passes with the emergency clause. The next bill is LB649. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay to dispense with the at-large reading, Mr. President.

KELLY: The at-large reading is dispensed with. Please read the title.

CLERK: [Read title of LB649]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB649 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer,

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DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Machaela Cavanaugh, Juarez, McKinney, and Spivey. Not voting: Senator Hunt. Vote is 44 ayes, 4 nays, 1 excused, not voting, Mr. President.

KELLY: LB649 passes. Next bi-- the next bill is LB316.

CLERK: Mr. President, LB316. Senator John Cavanaugh would move to recommit the bill to the Judiciary Committee with MO246.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon now, colleagues. We're on our final Final Reading. Well, I guess there's an A bill. If this bill were to move forward, there would be an A bill that you'd have to take up-- we'd have to take up as well. But this is another one of the bills-- and I think that there was a good conversation on the previous bill just about filibustering on Final Reading and taking things the two hours that it's going to take. And there was a conversation about amendments and things like that. If something is amended at this stage, it still has to-- you know, you take it back to Select, has to then lay over a day before it can be read on Final Reading. So anything that's amended at this point would effectively kill it for the year. It could be brought back up next year. But if we're not back here on the 9th, there would be no other day for it to lay over to. But anyway, so that's sort of the technical aspects of it. You all know my position on this bill. I think that rather than outright ban an entire industry and product that we should regulate it and we should create a regulatory structure that is-- that, that does answer all of the questions and concerns that people have raised. I brought a bill this year that does that, which is LB16. I brought that as an amendment on General File and Select File. And then I brought yet another amendment that was the regulatory structure plus some bans of additional synthetic products, which are the things people have said that they're opposed to. So LB6-- LB316 bans all THC that is derived from plants, which is he-- the hemp plant, which is in the family cannabis. And it-- but in additional-- in addition to that, it does ban synthetics. So it bans all things. Synthetics were banned in about 2011. So the Legislature already acted on this. The feds have acted on synthetics. Synthetics are things that are not originally from plants. So there's a distinction between plant derived and synthetic. So when you talk about what we need to get off the shelves and you say

synthetic, you mean things that are not plant derived. So there are 25 hemp grow licenses in the state of Nebraska. And you've probably gotten emails from some of the growers. You've gotten emails from processors talking about how this bill will shut down their business. And there's one business, Sweetwater Hemp-- which I believe is in Senator McKeon's district, if I remember right. I think they're the folks who offered to give us a tour during our Leg Council. They are both a grower and a processor. And Sweetwater processes the, the hemp that is grown by at least eight of these farmers in the state of Nebraska. And they do white-label processing and-- which, you know, is a value-added product. So it's allowing these farmers to get a higher price, sell, make more money, and help grow the economy in our smaller communities. There's at least one farm in Ogallala that is growing that Sweetwater processes for. And we all spent-- you know, we're on Final Reading. We just passed 28 bills, somewhere along that lines. A number of them are directed at economic development. That bill we just passed, Senator Sanders' bill, is an economic development bill to bring a new industry to the state of Nebraska or to increase the size of the industry, the defense contractor industry we have in the state of Nebraska. And we put a lot of effort into trying to grow our communities, and we work really hard to find innovative ways to grow the communities specifically in rural Nebraska, are-- the economic opportunities for people to grow a business, make money, stay there, raise their family, and grow those communities. And a bill like LB316 goes in the opposite direction. It shuts down these innovative businesses that are just getting started to grow hemp in rural Nebraska, to process hemp in rural Nebraska, and then export that and sell it to stores not only in Nebraska but across the country. And so it allows-- if we, if we pass LB316, we're going to shut down this new opportunity for economic development and growth in rural Nebraska. So I know there's a lot of people who have a fundamental opposition to the product itself. And I, I understand and respect people's concerns for health and safety, and-- which is exactly why I brought LB16, which is why I brought AM1521-- I think is what it was-- AM1521, because I agree that we should ensure that the product that someone buys in the store is safe, that it has-- you know, the-- it, it-- the label reflects the product so that when you buy it you actually get what you thought you got. And so if you take it, that-- the dosage is what you think you're getting. And so this is something that is possible to do. It's done in other places, but it's also done in other industries. No one is ever concerned that when you drink a can of Busch Light that it's going to have more than 4.3% alcohol in it, because we have a very robust regulatory industry nationally and at the state level to ensure that, that when you buy these products-- which is a recreational intoxicant, alcohol-- that you

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know the dosage, you know the size, you know the amount. And people don't have a problem with that. People-- some people do have a problem with people consuming alcohol recreationally. And I, I don't disagree that people-- some people abuse it. Some people have problems and need to stop, but that-- those are personal decisions that adults can make for themselves. The government's job is just to make sure that when you buy that Busch Light that it is what you thought you bought. That's the same role we have in this-- in, in the hemp-derived THC and CBD field. Our job is not to tell people that they shouldn't do something that we don't like. Our job is to ensure when they do it that it is safe, that it is free from chemicals, pesticides, heavy metals, or impurities, and that it is-- has the amount of the intoxicant in it that the label says it does. That's our role. There's other parts to that role for health and safety, putting an age limit on it, saying you can't sell the kids, you've got to keep it out of the kids' hands. That's what LB16 and AM1521 did. It puts-- you can put labeling requirements. You can say, don't make it look like something that's appealing to kids. You can put packaging requirements, safe-- safety, you know, delivery mechanisms to say when somebody buys it that it has to have tamper-proof containers. All of those things were contemplated in the regulatory structure that was proposed. But LB316 takes the approach of just outright banning the entire industry. It'll shut down those 8 and possibly 25-- I don't know if there are actually 25-- there's 25 licenses, but I only know of 8 that are processing at Sweetwater. But it's a-- it is a growing and new industry. But LB316 will stifle that. It'll stifle that economic development in these communities and shut that down. It'll, it'll affect those growers. It'll affect the stores that are, are all over the state of Nebraska. I, I would bet that everybody in this Chamber has a hemp-derived THC/CBD store in their district. I don't know how many I have in my district. I can think of a handful off the top of my head that I drive by periodically. But it is-- and, and those stores pay property taxes, they pay income taxes, they pay sales taxes, and then those people, of course, affect the economy. These are small businesses that are investing in their communities. And one of the stores came and-- some of the guys from the store came and testified at one of the hearings we had-- the, the town halls we had on medical cannabis, but they came and talked as well about the number of people who, in the absence of the medical cannabis market, do go to these stores to get relief. And they talked about how they invest in the community by funding things like shop with a cop, which is, you know, an annual event that the police department does where they take kids who maybe wouldn't get Christmas presents and they take them shopping. So they, they donate money to help fund that. And they've gotten awards for that. So these are good actors in our community, and they are

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reinvesting in their communities. And so LB316 will shut down these stores. I'm going to run out of time, but I'm sure I'll have more opportunity to talk because there's a lot more to say about this, about what LB316 does. But the fundamental thing is that there-- this is an industry that needs regulation, and this is not the way to do it. This will shut down all of these stores, these growers, these folks who can be good actors in our community.

KELLY: That's your time.

J. CAVANAUGH: Thank you, Mr. President. Oh, it looks like I'm next.

KELLY: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB48, LB48A, LB150 with the emergency clause, LB150A, LB298 with the emergency clause, LB298A with the emergency clause, LB303 with the emergency clause, LB50, LB77, LB77A, LB177, LB177A, LB275, LB275A, LB293, LB293A, LB376, LB391, LB391A, LB608, LB613, LB613A, LB644, LB644A, LB647 with the emergency clause, LB647A with the emergency clause, and LB649. Senator Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Tha-- thank you. Mr. President. Good job, everybody. Got a lot of stuff moved through today. I wonder how many bills we have left on Ge-- on Final Reading for Monday. OK. So I think I've covered a lot of the just bare necessities here, that synthetics are already banned, that regulation's the way to go, that there is an industry. I did want to talk a little bit about the criminalization aspect that this bill presents that people have talked about but hasn't quite, I think, got fleshed out as much as it needs to. So there's been talk-- I think Senator Brandt was requesting an amendment that I don't think we're going to get to, but an amendment that would create or extend the safe harbor. So I think the bill has a safe harbor provision in it where if somebody has purchased legally, currently they can continue to possess until the end of the year. The very nature that there's a safe harbor provision imp-- it implies-- and correctly so-- that, after the safe harbor provision, that continuing to possess it would be a crime. So continuing to possess these hemp-derived THC products would be a crime. And there are some confusion about whether it would be a felony or a misdemeanor or an infraction. And so this is the thing I wanted to address a little bit. So there was, previous to 2018, it was fairly regularly charged-- anything that was not the plant itself was charged as a felony. So if somebody had a joint, they would get a \$300 ticket, the Class IV misdemeanor infraction. If somebody had a gummy or extract or-- what do we call-- shatter or hashish or something like that, or wax, that would be charged as a felony. And so that was up until about

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2018. There was a change in the law before that where the Legislature did put in and say in two separate sections the exact same wording. And so there were two sections, one that said, should-- shall be treated like mari-- or, marijuana includes these things. And then the se-- the other section said the same thing as to the synthetics. And the synthetics were intended to be a felony. And so-- because one section was an exception and it came later, the court ultimately interpreted that that should prevail. So-- and those two sections, by the way, still exist in law. They are both still in-- I'm trying to remember-- Section 28-4-- sorry-- 28-1205 I think is where it is. But I'll have to double-check. Oh, sorry. 28-405. So those are both in Section 28-405 in separate sections. It's, like, Se-- 28-405(c)(12) and (c)(27), I think. But anyway, they're-- that's what caused the confusion. And so after that, it became harder to prove because the testing couldn't distinguish whether the THC was synthetic or nonsynthetic in these gummies and things. So they stopped charging the felony. And so that's, that's when people say it'll be a misdemeanor. Here's the problem. This bill changes the definition, excludes marijuana. So this is on page 8 of the amendment. And then you go to pa-- line 22. Marijuana does not include-- and you go down to 25-- tetrahydrocabinol-- "cabinadoils" extracted or isolated from the plant. So it specifically excepts out anything that's been extracted. So if you have-- if you are creating the, the penalty of possessing any of these THCs exclusive to Delta-9-- so previously, it was Delta-9 THCs. So now you're saying any deltas-- Delta-8 or others-- are now a crime. And, by the way, if they are extracted or separated from the plant, that is no longer marijuana, which then puts it under this other section. So we-- this is what we are talking about when we're saying you're going to make felons out of little, old ladies. So we have a safe harbor provision, which is clear that there will be a-- there is a penalty coming-- a crime coming. But then after that, once it kicks in, there's no longer a safe harbor. Then those folks who are in possession of anything that is extracted from the plant itself will be pote-- exposed to a felony. So little, old lady with a THC ointment of some sort is going to be charged with a felony after the safe harbor. So there's no exception. There's been talk about a-- if you hold onto the receipts and things like that, there'd be an affirmative defense. But again, you have to be charged, go to court, go to trial to assert that affirmative defense. And, by the way, you'd have to be able to prove that you had bought it before when it was legal-- so before now. So that's the other part of this. We're going to shut down these businesses. We're going to do this the wrong way.

ARCH: Time, Senator.

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J. CAVANAUGH: We're also going to criminalize innocent Nebraskans. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise today in favor of the motion to recommit for all of the reasons that have already been stated and a few different-- a few more. Just to, to start off, what we know about this bill from speaking with folks who work in the industry and are experts is that if this bill passes, it is going to effectively ban any-- or, almost all CBD products in the state of Nebraska. And we had a debate on the last round about whether or not that was people's intention. And when you talk to folks about this bill, a lot of folks who are in favor of this will say they're in support of this because they want to, quote, unquote, ban synthetic marijuana. First of all, again, synthetics-- which are often referred to as spice, K2, jewelry cleaner, whatever you want to call it, that used to be available at gas stations and things like that-- has been banned. They've been banned for quite some time. Those are the synthetic marijuanas that you're hearing about when you read or hear anecdotes or true stories about people consuming synthetic marijuana and then having what often is referred to as, like, psychotic episodes and getting violent and things like that. That is what we're talking about with synthetic marijuana, and that is already illegal. LB316 is not just one, but many steps further, where it outright bans plant-derived THC, which is where you take hemp-- and from hemp you are able to, through a process, extract naturally occurring things like Delta-8, Delta-10, those kind of-- which do occur naturally in the plant-- and essentially distill them into a more consumable form. It is not synthetic. It is not using or consuming chemicals. It is using different chemical reactions in order to get from the plant that ultimate outcome. Now, I went down that path-- and a lot of people are walking out as we're talking about this, so I'm not sure a lot of people are even paying attention. But at the end of the day, I went that path quite a bit on the first and second round of debate, and not a lot of people seemed to really listen or engage much on that part of the conversation. So let's not even talk about that. But the other thing that I think is important here is your businesses. Your businesses in your districts, your constituencies, are gonna close. And the folks that this affects, the people who run those small businesses-- which a lot of them, they built from the ground up-- it's farmers, it's retailers. They came down to the Capitol and have actually been here pretty consistently throughout this week talking to us and having conversations with as many people as they possibly can about the impact of LB316 on their products. Even beyond whether or not this bans Delta-8 or Delta-10 or whatever that may be, it goes even

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further, colleagues, and it says any cannabidiol that is extracted through a chemical process or a chemical reaction or a synthesis or any kind of change is also excluded from the definitions of what is allowable under hemp. What that means is that any product where you take that plant-derived chemical and you take any kind of process and get CBD out of the plant-- so literally any CBD takes a chemical process. It takes a reaction. It takes some sort of synthesis. So when we're talking about CBD being a lotion or a cream or a salve or whatever-- which has no psychoactive properties whatsoever-- it's, it's merely an anti-inflammatory-- the language of this bill bans that too. And that means that all of these local companies, all of these people across the entire state-- many of which are located in central and western Nebraska, where a lot of our colleagues here are from-- are going to ultimately have to stop selling those products. It is also going to result in the illegal transportation of those products-- so if they're being grown and then transported elsewhere. And it's going to result in them having to shut their doors. So colleagues, this is going to have an impact on the businesses in your community. It's going to have an impact on the people who are currently seeking access to things like medical cannabis, who are being denied by the Attorney General or by this Legislature, who rely on these products in order to medicate, in certain circumstances, pain because they want to avoid using opiates. So LB316, whether or not your intention is to do something, is going to have a much broader impact by being an entire hammer that will decimate an industry. And again, that sounds hyperbolic, but I think a plain reading of the statute indicates this is far reaching compared to what I think some of my colleagues intend for it to do. So I'm encouraging you, colleagues, when this gets to cloture to vote no and to vote against this bill because it is going to impact the people in your community. And first of all, and I think foremost, is going to impact the businesses in your communities that many of you purport to be supporters of. So please listen to your constituents. Listen to folks who are experts and vote no on this bill. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. So this has been an interesting journey, very interesting discussions going on. I want to talk a little bit about the amendment that we were trying to get on the bill on Select File that had so much obstruction. It's really interesting when people say, well, yes, we want to help make a bill better and we want to work on something, but then they obstruct it so that nothing can get done. Select File's only four hours. There were more than 15 amendments and motions filed in order to prevent us from getting to that

amendment. I appreciate those senators who were willing to vote it through in order get to the amendment to move back to Select File. In reviewing the amount of obstruction on the bill on Final Reading, it was determined it would have been impossible to get back. But the amendment that we were working on that I worked on with several senators-- and I'm gonna need my reading glasses. We worked with senators to, to add tinctures because that was-- one of those comments that we had talked about as far as packaging, and tinctures are super hi-- highly concentrated. So we adjusted how those would be treated and increased the amount of milligrams per package for those. And that was in direct conversations with Sweetwater Hemp, which people have mentioned. And I will tell you, there are many good actors in this industry. That's who we're trying to help with this bill. There are many bad actors-- the ones who sell products that look like candy, that have unregulated and untested THC levels. Those are the ones that we are trying to deal with with this bill. The second one-- when we talk about consumer safe harbor-- now, that was something that was agreed to in the Judiciary Committee. That was part of the Judiciary Committee amendment. And that is something that is supposed to be there to make sure people understand that there is time. And working with another senator, we extended that time so that if they have those products in their home, a year and a half after the effective date of this bill, they're not going to get in trouble. First of all, those products would have expired. But we're not-- no one is going into anyone's homes and searching out their medicine cabinets. That is more hy-- hyperbole and hysteria from the left trying to scare people into voting for this. If you have a, a product that you really like, that you believe helps you with something but it happens to be higher than 3% THC, there's nothing stopping you from getting it now and holding onto it. That amendment would have made sure that you would have a year and a half afterwards. The other one was-- I've gotten a lot of emails, people saying, how dare you introduce this bill and go against the will of the people? Let me make it very clear: no one has ever voted on synthetic cannabinoids in this state. This is not what we're talking about. The ballot initiatives were for marijuana use for medical purposes. That is not touched by this bill at all. In fact, quite frankly, it will probably make it better for the medical marijuana industry to sell their products because people are choosing to use these very dangerous, untested, unregulated products to help them because they're being told, well, gosh, you rub this on or you take this and you're going to feel fine. They have absolutely no idea what is in those products. You know, it's-- it is really disappointing hearing some of the misleading comments. I know the lobby is out there working very, very hard to make sure that everyone has lots of doubt. And I will tell you, those very

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highly paid lobbyists are real dependent on these bad actors making hundreds of thousands, even millions of dollars on poisoning our youth, poisoning our families. I remind you, I talked with-- oh, I'm gonna have to talk more. I ha-- I have committed to several other senators to work over the interim to help with packaging issues. If that truly is a concern, if there, if there is that much fear about it, we'll work on it. We'll evaluate it. We'll sit down and talk about it and work with those retailers. And I've talked with the Attorney General to make sure that there's going to be a grace period to make that the good actors are not harmed. When you look at how some of these, these bad products are packaged, we should be ashamed that we allow those on the market. Nerdy gummies? Those are attractive to kids. I want to give you a real quick rundown of some of the toxic chemicals that are used to make this: toluene; benzene; DCM-- which is chloroform; pentane; hexane-- paint remover; p-toluene sulfic-- sulfonic acid; hydraulic acid; sulfuric acid; camphorsofol-- camphorsulfolic acid-- carb battery acid; molybdenum--

ARCH: Time, Senator.

KAUTH: Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise in support of the motion to recommit. And I rise in support of it because, honestly speaking, LB316, for the reasons Senator Kauth and others have stated throughout the rounds of debate of, you know, trying to do away with, you know, synthetic products and go after bad actors, there is a lot of unintended consequences of this bill that are being overlooked. And it's going to cause more harm than good, but that's being overlooked. And, and, and that's the problem with this bill. And that's why I cannot support it. You know, the talk about, you know, just doing away with synthetics and those type of things. When you read the language of this bill, you realize that it does affect medical marijuana, and it will affect it. Because if somebody, let's say, wants to utilize cream or something like that and this bill passes, now they're in violation of the law. So we have to be clear about that and not mislead. So if this passes, what about those people who want to use creams to deal with pain and those type of things? And to, to use the cream, you have to basically take the, the flour or whatever and, and, and make it into another form of, of, of something. And the language of this bill pretty much says that's illegal. So although this is trying to go after bad actors, this is pretty much gonna say-- like, if somebody wants to utilize cream for their pain, they can't do it anymore. And they're

gonna get a felony in the process. So why is that something that people are, you know, pushing for? You know, if, if, if you're trying to go after these bad actors, go after-- go-- why not regulate the industry? Why can't we regulate the industry? It's because they don't want to regulate the industry. They, they essentially just want to do away with it. And what's even worse about this is this comes at a time when our state is in a budget crunch. We're robbing Peter to pay Paul. We're probably going to be back for a special session. And more cuts are going to be made. Our tax receipts are not going to be great. And we want to cut out an industry for what? Because we don't like that some people utilize the-- utilize this stuff? It, it may be some people who utilize cannabis that don't like, don't like alcohol and don't like the fact that you drink beer, but they're not trying to prohibit you from drinking beer. So what you like to do recreational might not be acceptable to some people, but nobody's in the lobby or nobody's bringing bills to say, you know, you can't drink alcohol. But you want to prevent them from doing something that they, that they want to do or that, that they feel they need to, you know, address their pain. Just because you don't like it don't mean that somebody else can't utilize it. Why do we have to be the-- act as if, like, we're the moral compass for the state? We're senators. We're not people's parents. And honestly, adults should be able to make adult decisions. And if adults don't know how to make adult decisions, then that's on them. We should be regulating this. We shouldn't be trying to just eliminate an industry because we don't like it or we don't want people to utilize things. It's-- this is wild. It's crazy. And-- but it's the, it's the current state of affairs of this state that we're in, of the-- the state of the Nebraska Legislature. So it shouldn't be surprising.

ARCH: Time, Senator.

McKINNEY: Thank you.

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

SPIVEY: Thank you, Mr. President. I rise, I guess-- and good afternoon. I rise in support of the motion to recommit and have appreciated the conversation at every round of debate on the different points of views from the folks that support this and the opposition to provide facts so we can make the best decision as a body. This is a very complicated and complex industry in this way, and so I appreciate especially the work of some of the folks to help ensure that we are rooted in facts. I wanted to uplift really quickly that I had someone actually from my district here in Lincoln at our last round of debate, and he specifically talked about the impacts that this bill would have on his

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business and that he would have to close completely and that he was really OK and situated in regulation, making sure that that regulation aligned. But what was in front of us with LB316 coming to Final Reading did not allow for that to happen. And so I've heard from constituents. I've talked to small business owners. He was actually down here advocating, which I appreciated making time to do that. And so for that reason, I rise in support of the motion to recommit and do not support LB316 currently. And I yield the rest of my time to Senator John Cavanaugh.

ARCH: Senator Cavanaugh, 3 minutes, 35.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Spivey. So I-- well, again, I rise in my-- in support of my motion to recommit and opposed to LB316. And-- yeah. There's a, a very legitimate concern with this bill. It has been raised repeatedly, but I don't think people have really taken to heart that the people that you're-- you will turn into felons when you pass LB316 are your neighbors, people who go to church with you, people who you work with, who you probably have no idea-- or maybe, or maybe yourselves. Some of you are perhaps people who use some of these things because they-- it's, it's become a mainstream, very common thing. So, you know, the CBD stuff that Senator Dungan was talking about, but, yes, the THC things that possession of will become a felony under the, the construction of LB316. So that is a real concern, and these are people who have never broken the law a day in their life, who never would go outside the law. But because it is legal currently-- and then if they continue to possess it past the safe harbor and they have some run-in, they are exposed to a felony. And so that is a, a real thing, and that's a concern. But one thing I did want to address is-- and I think this will be shocking to everybody, but I agree with Senator Kauth on a few things. Senator Kauth just said things like the Nerd gummies, I think is what she was talking about. And, you know, Nerd gummies are a-- like, a regular candy that's popular with kids. And you can see why. That's, like-- kids like the really tart candy these days. But I agree. We should be regulating and preventing places from selling this kind of stuff. I don't think-- oh. It's being handed out right now. So, yeah. Nerd gummies. Other-- there's a couple other products on here that look just like THC and safe. They're-- look very much the same. I don't have any problem saying you can't sell these things that, that are not clear, that they are confusing, can be cross-- oh. Senator Storm handed this out. Thank you, Senator Storm. But I agree. The-- these things shouldn't be sold. They should be regulated, should be prevented from being sold and-- with the possibility of confusion. There's no problem with that. I have the same concern about alcohol. We've had a labeling and, and--

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requirement on things becoming popular-- like a Sunkist sort of thing with alcohol in it now. That's concerning too. And we are able to deal with it through a regulatory process. We, we-- you know, in a regular grocery store, you can have an alcoholic beverage that says Sunkist on it as long as it's two aisles over from the regular soda aisle. And it can be confused. And I-- I'm gonna run out of time, but I could talk about this more. I had an inc-- time last summer, my brother drank a drink that he thought was a juice and it was an alcoholic beverage. He just pulled it out of the-- you know, we were at a lake house for the summer-- and pulled it out of the fridge, started drinking it about 9:00 in the morning. And I said, why are you drinking that right now? And he said, well, it's just a juice. But he was confused about it. So I think there are legitimate concerns about these sorts of things. And we should be regulating it. We should address it. But that is addressing through a regulatory process, not an outright ban. We're not banning alcohol because people wanna drink Sunkist-flavored alcohol. We're regulating it. We're making sure that it's clear it is not confused with the other products. It is sold in a different place. It's isolated. And we are--

ARCH: Time, Senator.

J. CAVANAUGH: --taking steps to do that. Thank you, Mr. President.

ARCH: Senator Fredrickson, you are recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues and Nebraskans. I rise in opposition to LB316. And I will yield my time to Senator Conrad.

ARCH: Senator Conrad, 4 minutes, 45.

CONRAD: Thank you, Mr. President. Thank you to my friend, Senator Fredrickson. I want to dig into some of the finer points of this legislation, but I also want to just kind of push back on some of the arguments that proponents of this measure have made thus far. So they continually, you know, are passing out information and sharing things about, like, oh, my gosh, they're upset about the packaging or the names of some of these CBD products or whatever and saying that it's intentionally marketed to children or whatever. Again, a regulatory approach can address that. You don't need a ban to address those issues. And let's also be clear: not just kids eat candy and chips. Look around this-- look around this Legislature. Almost every single person, at least one per row-- and I know because I'm a frequent visitor to these candy dishes-- has candy on their desk or enjoys candy

in their home or their community or their car or, yeah, eats Fritos or eats Rice Krispie bars or eats Nerds. I have shared Nerd ropes with members of this Legislature. So to somehow imply that, oh, these mimic chips are candy and that therefore, ergo, we have to ban them because only kids like chips and candy-- that, that, again, is divorced from reality. If you yourself have not eaten candy or chips since you've become an adult, well, maybe you could follow that train of thought. But I, I don't think most adults would be able to say that, and so it just clearly undercuts that strange argument that proponents are making. The other kind of argument that we've heard about, oh, my goodness, oh, my goodness, chemicals, chemicals. Oh, my gosh. The sky is falling. Again, go and look at the chemical composition of things put forward by Big Pharma that are prescribed, that are addictive. Go and open your pantry and look at the labels on your food. Can you pronounce the preservatives and additives that are in each of the things that you consume? If not, maybe discount that argument that proponents have brought forward. Again, people have talked about the fact that they're concerned about harm for children or harm for health. If you look at the data and the information-- and we heard about this at the public hearings on medical marijuana-- which, by the way, if you look the text of the medical cannabis bill that citizens adopted with a 71% approval rating, it specifically reaffirmed the existing state law that allows for these products to be sold. These products have been sold under federal and state law for years. The citizen initiative specifically, specifically-- go read it-- specifically excluded these products from being tampered with and left the existing law in place under both federal and state law. If you're concerned about marketing toward-- to children, regulate. If you're concerned about quality for health purposes, regulate. That's what we do with other things in a free society-- tobacco products, alcohol, pharmaceuticals, chemicals. Heck, just this session, we did it with kratom. There were two proposals before the Judiciary Committee: one from my sen-- friend, Senator Lippincott; one from my friend, Senator Hallstrom. One was a total ban. One was a regulatory approach. The ban died. The regulatory approach was adopted by all of us. There's also a ton of questions about this so-called safe harbor provision. Number one, it's an admission. Number one, it's an admission that you're changing law to subject consumers to criminal penalties. Thank you, Mr. President.

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

IBACH: Thank you very-- thank you very much, Mr. President. I just wanted to rise-- I had a meet-and-greet last week at the library in Lexington and had the opportunity to visit with a, a gal from the Two Rivers Medical-- she's a community health worker out of Kearney, and

they serve our district. And she was-- we were having a conversation just about bills that were going to make it to Final Reading, how short the session was getting. And she randomly said, is there anything-- she told us a story about a friend of hers that-- their child had gotten into some gummies and actually lost his life as a toddler. And she said, what can we do about these gummies? And so this morning, she actually emailed me and she said, good morning, Mrs. Ibach. I am Maria [PHONETIC]. I came to Lexington Library the day you came to Lexington. And I talked to you about these gummies. I think you know better than me about these gummies, and I think there should exist more regulation so children have no access to these gummies. Any feedback you can email us, including Haley [PHONETIC], will be appreciated. Thank you. And I intend to email her back and tell her that this bill is up on Final Reading today and outline some-- even more specifics than I was able to give her last week at the library. But she also included a, a, a PDF of a lot of the products. And the one-- one page of the PDF says, what is Delta-8? What you need to know. And it goes through what it is, and I think we've all heard this. Delta-8 is often marketed toward young people. Here's a small sampling of products that look like regular gas station items. Look closely, though. They are not what they appear to be. These are the items that Maria actually visited with me about and, and the ones that we should all be concerned about. And I, I think that's what Senator Kauth's bill does. It, it-- what it's, what it's targeted at doing is helping us all understand what these products are and how we can be helpful to the citizens of our state and, and finding a way to eliminate them from the, from the gas stations, from the stores, whatever. Anyway, I just wanted to bring that to everyone's attention. I know we're all kind of talking about the pros and cons of this bill, which-- earlier we talked about-- you know, we've, we've been through debate on these bills several times. We are on Final Reading again. And I think up until today that's what those discussions were for. Today, we've all, all determined that these bills are good bills, they're justified. And what we're here to do today is to, to reaffirm that to our constituents, to our, to our colleagues, and to-- and, and, and just take a, a-- just to, to say, yes, this is what we believe and this is how we're going to move forward. Anyway, I just wanted to share that with everyone just because that's kind of where I think we are right now. So thank you very much, Mr. President.

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

CONRAD: Thank you, Mr. President. And good afternoon, colleagues. So one thing I want to touch upon is process. And let me be clear: the-- every senator has the right to utilize the rules as they see fit to achieve their objective-- objectives individually and collectively. And

what Senator Kauth conveniently left out was the fact that concerns about criminalization, concerns about economic impacts, concerns about overreach, concerns about these bans that I believe my friend, Senator Ibach, brought forward a similar measure in the last biennium and now Senator Kauth has picked up in this biennium, all of these concerns have been raised at the committee level, have been raised in subsequent rounds of debate. It was only until senators started to have a change of heart and a change of mind in regards to casting their vote did they scramble around to file amendments, because they chose to power through, disregarding these legitimate public policy concerns until it was too late. And that's not opponents' fault. That's how proponents wanted to, to push their bill. So that is a danger in not responding to legitimate concerns earlier in the process. And there were many discussions to try and get this scheduled earlier so that we would have time to address criminalization, we would have time to ensure that there was clear distinction and carve-out to protect the right of the people in regards to medical cannabis. We've had discussions about perhaps limitation. We've had discussion about regulation. We've had discussion about tax, which-- again, it bears repeating: 200 days ago, Senator Kauth, proponents of this measure and the governor pushed for taxing these businesses. They pushed for a taxation approach 200 days ago. And then here we are at the tail end, the waning days of this session hearing about the parade of horrors from proponents of this measure. So the other thing that I want to make sure to lift up-- and I know she brings a heart of gold to her work, but my friend, Senator Ibach, the speech that you just gave is literally the dictionary definition of nanny state. Because some people are concerned that kids might get into harmful things rather than doing their jobs as parents or putting safety protocols in place. They're asking the heavy hand of government to ban a substance because they're not doing their job as parents. Well, actually, I, I think most parents are doing their jobs as parents. And when you look at the safety concerns-- and we heard this at the public halls on cannabis-- I don't sit on the committee of jurisdiction, so I'm not sure if this came up in the record there-- but proponents of this measure have said, you know, there's all of these poison control issues, et cetera, et cetera. The data in Nebraska flies in the face of those "ascertations." There have been multiple reports, as common sense would dictate, of children and adults facing poison-- poisoning issues, household products, cosmetics, other chemicals, alcohol, pharmaceuticals, not CBD products in Nebraska. And we don't ban all chemicals. We don't ban all alcohol. We don't ban all tobacco products. We don't ban all sugar. We don't ban all food additives. In a free society, if these products are not right for you, don't take them. Don't buy them. But guess what? In a free market,

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there is a demand. There's 300-plus businesses with hundreds of thousands of Nebraska consumers. The average patron is over 40 years old. There's cops, teachers, firefighters, and veterans who utilize these products. That's real life. And a regulatory framework would honor free market and a free society. Thank you, Mr. President.

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

STORM: --President. Good afternoon, colleagues. So this isn't about banning or not banning. These products were never legal. People need to understand that. So that's why the Attorney General's been aggressively going after these shops to try to get this garbage off the shelves. You've heard a lot of scare tactics today from some of my colleagues here. A lot of it's not true. This isn't going to-- if we pass LB316, does nothing to hemp farming, does nothing to the hemp industry. We're going off-- we're going after the poisons that are being put on the shelves that are affecting your constituents, your children. And that's what we're doing. If this doesn't pass today, I would just be-- gonna go over a few points here today. So the Attorney General's kind of laid off going after some of these shops to see if this could be resolved through the Legislature with LB316. So there's been kind of a pause with that. If this doesn't pass, the Attorney General's gonna aggressively start going after those shops again. So we were hoping that as a body we could come together, pass this LB316, and try to weed out the bad actors, try to really help protect the good actors that are in this space. But if this doesn't pass, it's going to be back to full steam ahead trying to take out the bad actors. So I think people need to understand that. As was mentioned earlier-- you know, the lobby-- or, the Rotunda's full of lobbyists who are pushing for these products out there, working everybody, trying to scare you. I've said before I'll never put revenue over the safety of the people of Nebraska or children. Delta-8 and these products are not safe. And they were never legal. That's what I, I-- I hear people talk about, well, these are, these are all these legal products and if it's your choice to use them or not. They're not legal. You, you need to understand that. We're the only state around us that hasn't banned these products, like Delta-8. So Nebraska is this-- the doughnut hole of Delta-8 in the country right here. Aren't doing that. So we'll see what we're gonna do here. If this doesn't pass or if we pull it or whatever we decide to do, then the Attorney General's going to go back to hitting those shops, which is going to be a lot more expensive, a lot more litigation, a lot more trying for, for those people. Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President. I stand in support of LB316. At the beginning of this conversation, I kept hearing we have to keep out the bad actors. So I assume that means as opposed to the good actors. And I really wondered, who are the good actors that are selling kratom and Delta-8, whether it's to a minor or a 40-year-old or an old man with a bunch of back and neck problems like me? I don't believe there's any good actors that are selling Delta-8 and kratom. And I also believe by the research I've looked at other states that some of these products in other state have led to-- even though they've brought in some revenue and helped tax relief, they've led to a lot of other issues, mental health issues and psychosis and things like that. A 2023 study tested hundreds of hemp-derived products available online and identified more than 25 intoxicating cannabinoids. Some of these potentially intoxicating cannabinoids naturally occur in a plant while others are made in a lamp-- excuse me-- in a lab. They're often packaged, marketed, and sold as infused products such as edibles, beverages, vape oils, and liquids. They're available for purchase throughout the United States in places like gas stations, vape shops, and online. Some of these products are regulated, some of them are not. Some of them are regulated but not closely. Meaning, they are all not subject to the same testing, labeling, and safety requirements. In other words, there's a limited knowledge as to what all of these products actually contain. There's a risk to exposure of these potentially harmful compounds like contaminants and leftover chemical byproducts that certainly may be hazardous. This lack of oversight also means these products can be marketed in ways that are especially appealing to youth. For example, products can mimic name brands, marketing styles that are typically directed toward young people. In July, the Federal Trade Commission and the Food and Drug Administration sent cease and desist notices to several companies-- and this was back in '23-- that were selling Delta-8 THC products with packaging that mimicked popular snacks: Chips Ahoy, Jolly Ranchers. And it might be argued that 40-year-olds and 50-year-olds like Chips Ahoy and Jolly Ranchers-- I certainly do-- but I cannot believe that that's marketed toward the people that are in my age group. Intoxicating hemp products are easily found online, and age verification is difficult to enforce. By allowing that in our state, we just make it easier for our youth to get their hands on them. Some studies have linked intoxicating hemp products to mental and physical health problems such as psychosis and lung problems. Other studies indicate people are using them for medical purposes such as treating anxiety or pain. However, since they are so new, there is limited scientific research on these products and it's difficult to understand to the extent in which they cause short- and long-term health risks. Thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. There are two things-- two concerns that I have with what we're-- been talking about through this whole process with medical cannabis and where we are today with Delta-8. Number one, if we're pushing for the Delta-8 and if we are truly trying to get to where we're going to be with medical marijuana at some point in the future, Delta-8 is just another roadblock to get us-- that's going to slow down the process to get to where we want to be at the end of the day with this. If we're working on the order of gummies, oils, pills, nebulizers, inhalers, and putting Delta-- having Delta-8 as a legal product that can sel-- be sold in seltzers or other forms, this is just another roadblock that's gonna slow us down to get where we get with the final product that people are asking for. The other concern with this is if you look at states like Missouri, Colorado, that have recreational marijuana-- as Senator Storm stated, even with recreational marijuana in those two states, they have banned Delta-8. We're the only state-- we're the doughnut hole that are contemplating making this a legal product. That should be a red flag to everybody in this body and all the states around us. So with that, I would yield the rest of my time to Senator Kauth if she would want it.

ARCH: Senator Kauth, 3 minutes, 25.

KAUTH: Thank you, Mr. President. And thank you, Senator DeKay. This is about product safety. And I, I do-- it's interesting how much some people flip-flop on this. You know, when Senator Conrad talks about, well, anybody can do anything bad they want to because they're adults; and there are chemicals everywhere, so why bother? Really, we should be making sure that the products that are sold in our state are safe. This is one of those things. We've had a couple of bills about this. We banned fake meat because it's made with those toxic chemicals. Senator Wordekemper's been working on a bill-- which I fully support and intend to get across the finish line-- about firefighters getting cancer from these very chemicals. There is no testing. There is no safe level. There is no nothing. And quite frankly, if there are products that have these, I would highly recommend that as a body we start looking at it. Our job is to provide product safety, that certainty that when you walk into a store and you purchase something off the shelves that it's not going to kill you. I think that's a, a very important thing that we do here in this body. As far as-- so a-- quite a few people got emails from Crista Eggers, who is a lobbyist for the medical marijuana. And she is saying that it has been confirmed that the language within this bill would conflict with what the voters passed. That is a lie. The amendment we have been trying to get onto this bill clearly and

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explicitly states that this has absolutely nothing to do with medical marijuana. Again, I believe that this will actually get rid of the bad actors, get rid of those products that are actually toxic and harmful and create more problems than they purport to solve with medical issues and give room for the medical marijuana industry to actually take hold. That's not what this is about. This is about getting rid of those products that are dangerous, that are hurting people. The-- again, the misleading that has been going on, the misinformation, the muddling up of the medical marijuana bill with synthetic cannabinoids is absolutely astounding. It shows a huge lack of integrity to say that one has anything to do with the other. I'm disappointed-- not surprised-- but disappointed that people are trying that tactic. Again, we are talking about hundreds of thousands and millions of dollars. In the hearing, the only people who testified against this bill were the ones who stand to make money. This is about what can be sold to unsuspecting people. This is about what people can get away with selling. Again, if we said, hey, we're not going to pay attention to heroin. Everybody knows it's bad. Everybody knows it's wrong. It's illegal. We're just not going pay attention to it-- they'd sell it on the street corner and make lots of money. But we know it's bad, so we put laws in place about that. This is about making sure that the laws we have are reflective of our values, making sure that people are not being harmed by these products. Clearing out these bad actors gives us the space to help the good actors. Thank you.

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

ROUNTREE: Good morning. Thank you, Mr. President. I rise, and I would like to yield my time to Senator Dungan, please, sir. Thank you.

ARCH: Senator Dungan, 4 minutes, 50.

DUNGAN: Thank you, Mr. President. Colleagues, I want to highlight just a couple of things because I think that, in the continued debate here, it feels like we're talking past each other, which does happen from time to time. But when we're talking about the muddling of information and when we're talking about, I think, people being either unintentionally or potentially intentionally obtuse, we get some definitions mixed up. I want to highlight yet again: synthetic marijuana is already illegal. What we're talking about here is plant-derived THC, wherein a process pulls from hemp these other substances. And this bill will have the impact of effectively banning any and all CBD products. Nobody's disputed that. Whether it was intentional or unintentional, the definition of what is allowable hemp says that you cannot have any cannabinoids that are extracted or

created through any kind of synthesis or other process. That means that any and all CBD which is pulled from the plant through a process will be banned. So what we know is this bill is written in a way that is intentionally vague in order to create either the reality of additional felonies or at least the belief that there will be additional felonies. And what this has the effect of is essentially making it so all of these businesses that sell things like CBD lotion, CBD dog treats, you know, CBD salves that you put on your wrist because you have arthritis are going to be shut down. Two reasons-- I want to be very clear. The safe harbor, the so-called safe harbor pro-- provision in here applies to persons, not to businesses. A person who has purchased it for personal use may make this affirmative defense. That means that any and all of the businesses taken at a plain reading have no defense to the possession of any of this. So think about from a business perspective what the effect of LB316 will have. You essentially have a three-month window at that point, right? Because there's no E clause on this. So the three-month window of winding down a business, doing some sort of fire sale, trying to, you know, get these products off of your shelves or else being faced with not one but countless felonies that could be charged for each and every product, that is the outcome of this. Future businesses, even if they are attempting to follow the letter of the law, will not be able to open. They will not be able to continue being open. Senator Jacobson I think spoke on one of the other rounds of debate-- and I'm sure that he could speak to this again-- you will not give a small business loan as a bank to a company if you are concerned that they are violating the law. If they provide to you a business plan that has to do with them selling CBD or trying to adhere to the letter of the law and there's a concern that the ambiguity contained in the law thanks to LB316 means that you essentially as a bank could be aiding and abetting the commission of the distribution of a controlled substance, you're not going to give that loan. And what that effectively does is it shuts down the industry. It shuts down the business. We are no longer going to be seeing loans given to any businesses to continue operating. They're not going to be able to open up. And if you're an insurance agent, you're also not going to insure a business if there's any question as to whether or not they are violating the law. So the very fact that we've spent three rounds of debate with LB316 talking about the potential impact on the criminal side of things leads me to believe that that is going to be-- it's going to continue to be ambiguous. And if the Attorney General, for instance, then sends a letter to all the banks in Nebraska and says, if you give a business loan to a small business by virtue of, you know, their, their request and they're going to be selling CBD or some other plant-derived THC, even if they're trying to adhere to the letter of

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the law, are you going to risk it, the potential aiding and abetting of a felony? I don't think so. So this is absolutely gonna shut down business. I see my light's on. And I was curious if Senator Raybould would yield to a question.

ARCH: Senator Raybould, will you yield?

RAYBOULD: Yes, I will.

DUNGAN: Senator Raybould, I know we're short on time. Is there anything that you'd like to say with regards to LB316?

RAYBOULD: Yes, I would. You know, colleagues, I know we've been debating it and we're being pulled many different directions. I know that Senator Hansen has declared that he will be voting no. And I just wanted to let you know that I am going to be voting no for a whole number of reasons. But I think it's important that we allow the commission that will be appointed soon to work through the issues dealing with medical marijuana. And anything we pass, we would like it to comport and be in compliance with their directives. We have time. I've asked Senator Kauth if she would consider having the Speaker pass over this so that we could work over this pro-- issue collectively, collaboratively over the summer, work with some of the amendments that Senator Hansen had offered and Senator Cavanaugh to come up with a great compromise and work in conjunction.

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. Pre--

DUNGAN: Thank you, Mr. President.

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

GUERECA: Thank you, Mr. President. Could I-- so I rise in support of the motion to recommit to committee and in opposition to LB316. Reefer madness, folks. Here we go again. I agree with almost everyone on the mic. We need to make sure that the products being sold in state to our residents are safe, are regulated, and are controlled. That's why I'm in support of a regulatory process that ensures that these products aren't being mislabeled or aren't being labeled in a way where they try to draw in a younger clientele, make sure that there, there are guardrails in place to stay out of the hands of minors, that the extraction process is regulated in a way that the end product isn't hazardous to our residents. That makes sense to me. What doesn't make sense to me is, oh, I don't like it. Let's just ban it. What we saw in

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November was that an overwhelming amount of the voters of this state want medical marijuana, want that type of relief that is brought on by several of the products that this bill's seeking to ban. Let's regulate it. And yeah, let's, let's tax it. Look at, look at the green sheet. Look at what the forecast says, folks. We just passed a bill in the last round that's going to be impacting the state to the tune of \$3 or \$4 million a year here in a couple years. And now we're going to turn around and strip out more millions out of our coffers? Millions that could be spent on services to our citizens, property tax relief-- which seems to be a theme of these last few sessions. Let's not be reactionary and let's all take into consideration that, since the farm bill allowed for these products, hundreds of our citizens have spent millions and millions of dollars, years off their lives trying to build a business, trying to find their good life. And just because we're afraid of something, we don't like it, we're gonna throw away and disregard their hard work? That doesn't sit right with me, folks. But we should regulate it. We should take the time to establish a framework that allows these products to be sold in a safe manner. And if in-- and if in the future we find out that these products after re-- regulation are still harmful, well, that's a whole different discussion, folks. But outright banning something-- well, Congress tried that with-- they tried that when they outlawed alcohol, didn't they? How'd that work out? But instead we came back, regulated it, established quality control frameworks, labeling standards to make sure that stays out of the hands of kids, that it's safe for our consumers, and that brings in significant tax revenue to our state. So that's why-- how-- I'll-- that's why I'll be voting how I'm voting. Thank you, Mr. President.

ARCH: Senator Juarez, you are recognized to speak.

JUAREZ: Good afternoon. Thank you, everyone who's online with us today and is watching on TV. And I-- I've been listening very much to the comments that have been made by my colleagues on this bill. And I have to tell you, I am very, very concerned about the bill. I don't know how it came out of committee. I had-- I actually went and looked at the documentation we have to see who was even on the committee and how the votes went because I'm surprised that we're debating this bill on the floor today. I definitely recommend to all my colleagues that we do recommit to committee, so I do support that motion. And I'm a no on LB316. It is-- to me, with all of the information that's being provided to us, I am just like, we're no-- we're not ready. We're absolutely not ready. You're using all of these scare tactics about the lethal aspects of this product, and I'm like, you know, there's-- there doesn't seem to be a lot of people dying from the product. People are using it. Like I had stated before, my mom had ordered cream that-- she was the one

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who asked me to get it for her-- that had the hemp in it. And of course, we remember she was almost 101 years old. And no, I don't have the receipt. And so I guess I'll have to dispose of it if this law passes. But I just-- I am urging my colleagues to please recommit it. The-- there is no way that I feel that we're ready to address this issue. I think that the-- obviously, if your goal was that you're anti-cannabis or anti-hemp, you know, then I get why it's on the floor. Because you want to shut everything down. But believe me-- I mean, that doesn't mean that people are going to abide by whatever happens on this floor. It's not like somebody probably in the state isn't smoking marijuana already, going and getting it somewhere else. I'm sure they are. We can't be naive about that. And that's why I think that we should be far more cautious. To me, it's obvious that there-- we need to review matters more before we try to put this into place. I definitely am not supportive of people-- putting people out of business. When I went to the retail store when I was in, in the city and visited one for the first time, when I-- the peo-- the person who was trying to explain things to me-- you know, they're listening to our discussions. Believe me. And they said, some of your senators don't know what they're talking about. And I absolutely believe that when it comes to this, to this topic. I do agree with them. And that's why I feel that it's the right step to take, to recommit. And I'll yield the rest of my time to Senator Cavanaugh. Sorry that there's not much left.

ARCH: Senator Cavanaugh, 50 seconds.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Juarez. Well, I think you've said some really important things there, so I appreciate the-- what you're saying. So I have been listening to the debate of what folks who are in favor of this bill are saying, and I would again tell you that the answer to most every concern that has been raised is regulation. And so I appreciated what Senator Raybould was saying, which is that we should work on this between the interim. I obviously was in favor of us passing regulation this session. I brought that bill. I worked on it last interim. But I'm ready, willing, and able to work on a regulatory scheme that will actually do this the right way and answer all the concerns that people have raised between now and the next session. So I'm willing to do that. If the folks who are in favor of this bill are willing to actually solve the problems that they are articulating here, let's work together on this this summer. Thank you, Mr. President.

ARCH: Senator Sorrentino, you are recognized to speak.

SORRENTINO: Thank you, Mr. President. I yield my time to Senator Kauth.

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ARCH: Senator Kauth, 4 minutes, 50.

KAUTH: Thank you, Mr. President. And thank you, Senator Sorrentino. So I want to go over a few comments that have been made so far. So Senator Juarez just said, it doesn't mean-- just because we pass a law doesn't mean that people will abide by any of the laws we pass. That's a terrible statement to assume that people in this state are just going to disregard the laws that we have. We put in place these laws for a reason. We should be law-abiding. It is no surprise that someone who doesn't support the law thinks that. Laws are there to protect people. So to, to say that, well, just because we pass it doesn't mean anybody's going to obey it, that really says a lot about the person who said that. Senator Guereca said that if we find out the products are harmful after regulation then we should ban it. We know these products are harmful now, which means we should ban it. So I presume he agrees with me. This has nothing to do with medical marijuana. I don't know how many more times we should say that. And I will read a letter from the Attorney General. Senator Dungan also-- I, I think he misspoke about the prohibitions on CBD. If you look at page 9 of the bill, line 27, "cannabinidile" products contained in a drug product approved by the Federal Food and Drug Administration. Those are fine. We're talking about CBD that has been FDA approved, and there are plenty of those. What this bill is doing is addressing those products that have more than 0.3% THC. They have to be made with can-- CBD products. They have to be natural, and they have to have less than 0.3% THC. That's what we're going for. So, yes, everything else that is done synthetically is dangerous. It's untested. It's unregulated by any of the, the laws in the country. Quite frankly, right now by federal law, all of those products are illegal, which is why our Attorney General has been going after these, why he's been trying to work with these retailers to say, hey, look, you have dangerous products on your shelves-- to no avail. That's why we brought this bill, because this needs to be a full ban on the synthetic marijuana products. And I will read you the letter-- and I hope I can get through it. Upon passage of the bill-- and he, he did this working with several senators who had concerns about those businesses that are trying to do the right thing. So he says, upon passage of the bill, my office intends to announce a pause on new civil enforcement actions against businesses operating in good faith here in Nebraska. I'll keep that pa-- pause in place for at least 120 days after the effective date of the bill, which would be January of 2026. Please note, if we become aware of individual stores who are selling harmful products to Nebraskans-- because they caught people selling straight out marijuana, meth. Other drugs are being sold out of these stores-- they will be duty bound to act either civilly or criminally.

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We will continue to actively work with industry actors to ensure that harmful products are off their shelves and continue our existing litigation and settlement efforts. And I would tell you, the Attorney General's Office has been phenomenal working with me and working with retailers. The Sweetwater Hemp Company has had hours sitting down with people in the Attorney General's Office to help process through this information and to help figure it out, to give them more information, to give me more information, and to make sure that Sweetwater Hemp understands, hey, listen, this does not even impact you. Please note, we've completed a recent round of testing of products at stores around the state and believe it is prudent and necessary to note that the-- notify those stores of the problems with their products to ensure that they can take remedial action. During this time, I will make my team at the AG's Office available to continue engaging with industry representatives and other experts to develop technical standards that ensure those businesses that are operating in good faith and not harming Nebraskans will be able to remain in business under the new standards. I think it would be highly appropriate for those retailers to be involved in those direct communications with industry actors. We'd be grateful to have everyone who's speaking about this bill engaged in the process. There was a specific, narrow concern regarding the impact of LB316 on packaging. This is very different from our concerns about mislabeling, which has been a key component of our enforcement campaign. The 120-day pause discussed above will extend to civil enforcement regarding existing product lines for local manufacturers. And during this period, we will consider the packaging of product lines that meet federal standards to be operating in good faith and will not seize or require removal of those products.

ARCH: Time, Senator.

KAUTH: Thank you, Mr. President.

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

McKEON: Thank you, Mr. President. We know we have good actors and we got bad actors. We need to be working with the good actors and take out the bad actors. We need to be doing the right thing and we need to look at this the holistic way. There-- for-- that's the betterment for all. So I yield the rest of my time to Senator Storm.

ARCH: Senator Storm, 4 minutes, 35.

STORM: Thank you, Mr. President. So I'm going to read this one more time because there's just a huge amount of misinfor-- misinformation

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here and confusion. If-- if the-- these products would be legal if the product is a cannabidiol-- cannabinoid product and it's a finished hemp product that contains a primary ingredient, a "cannabinoiled"-- hard to say that-- extracted from-- derived from hemp. It is free from synthetic or modified cannabinoids, does not comply-- doesn't comply with the THC limits provided, which is 0.3%. So LB316 does not ban the hemp industry like I keep hearing from people here. If you are a-- and that was in 2017 when we passed the hemp bill in this body. That's what the rules were. What we have now is a whole new industry that's sprung up. When you drive down the road and you see the pot shops-- you know, the people that have the marijuana banners outside of their shop-- the-- they are selling Delta-8. They take a little bit of "cannabinoiled" and then they put solvents in it and other products and God knows what it is, and then your child or your adult or a 50-year-old smokes it and has no idea what they're smoking. That is what we're trying to ban here. I can't for the life of me see why anybody in here doesn't want to do that. That's just beyond me. Senator Cavanaugh keeps saying he wants to regulate this. How do you regulate something that's illegal? This is already illegal. The Attorney General is trying to do something for the state of Nebraska by cleaning up this industry, which is full of poison. Every other state around us has already done this. And here's Nebraska going, no, we can't do it because we have to have economic development. The pot shop on the corner creates jobs selling poison. So we got to keep that in our state. You know how ludicrous that is? I sit on General Affairs. I've been listening to all the testimony. I listened to the store owners that came in and testified in front of me. Some of them are sitting in the Rotunda surrounded by their lobbyists out there. And they-- I ask them, what's in these products? We don't know. Where'd they come from? We don't know. So that is what-- that is what we're trying to ban here, products that we don't know what's in them and where'd they come from that young adults are smoking and ingesting or eating. That is what LB316 is trying to do. How anybody can be against that is beyond me. Let me see. And I keep hearing Senator Cavanaugh talk about spice is already illegal and this is illegal. That's not what we're talking about. We're talking about a loophole in the hemp industry where they take a little bit of product or they take no product because the AG's already raided several of these stores and found out that they have straight THC or they have meth or they have who knows what's in it. And so I would just encourage anybody in here, don't go into those shops and buy these products. You have no idea what you're getting. They have no-- there's no quality control. You have no idea what you're ingesting in your body. And I'm going to also say this one last time: if this fails today, then the Attorney General's just going to ramp it back up

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because he has a duty to protect the citizens of Nebraska. That is what he is trying to do. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I rise in support of MO246 and opposition to LB316. And I'll yield my time to Senator Conrad.

ARCH: Senator Conrad, 4 minutes, 45.

CONRAD: Thank you, Mr. President. Thank you, Senator Cavanaugh. Good afternoon, colleagues. So let's just kind of bring this conversation back down to reality here, OK? And le-- I, I don't have personal experience to know about these creams or seltzers or tinctures. I had to google what a tincture was. I didn't even know what that was, because this is not a part of my life or my family experience in, in my nuclear family. But here's what I do know. I know that my mother-in-law utilized CBD cream for aches and pains. I know there are people in my friend circle that go to Total Wine and buy THC or CBD-infused seltzers for them to enjoy with their friends. I know that CBD cream or THC cream or whatever these seltzer drinks are-- I mean, let-- let's get a grip here. That's not the same thing as heroin, Senator Kauth. I mean, like, that's not even a serious argument, so. And absolutely, I totally agree with Senator Kauth that we should have stringent consumer protection in place to make sure that products that are being put out there are safe for people to eat. That's what we have food safety laws for. And actually, the Pure Food and Drug Act and consumer protection acts and uniform deceptive trade practices, all of these different civil regulatory frameworks come to bear on what Nebraskans and Americans eat, not to mention a whole host of a federal regulatory scree-- scheme as well under a bunch of different departments and acts, OK? So these products don't just show up in CBD stores and THC stores, which there are hundreds of in all of our districts, utilized by hundreds of thousands of Nebraskans. They also show up when you go to get a massage and they try and upsell you to get the CBD cream. They also show up when you visit the chiropractor. Ask Senator Hansen. He uses these products in his practice to provide treatment to Nebraskans. They show up for pet purposes. They show up in little gift stores and pharmacies and floral shops. This bill impacts farmers and ag producers in Nebraska. And so again, if you want to make sure that what's being held out to consumers is actually safe, you utilize existing remedies under the Pure Food and Drug Act, under the existing consumer statutory schemes under federal and state law. You don't ban something and institute felonies on people buying stuff for their pets, elderly people putting cream on their back, or housewives buying an infused

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seltzer to sit on their deck. That's ridiculous. And if in fact the Attorney General's position was accurate, our courts and our prisons and our jails would be filled with people buying and using CBD and THC products, both consumers and retailers. But the facts show otherwise. As these products have been available under both federal and state law for years, the only thing the Attorney General has to show for it is bluster. His letters, his press conferences, his press releases. And he's achieved a few voluntary settlements of a few hundred bucks and taking some products off the shelf that shouldn't have been on the shelves, but the other products legal under federal and state law remain. Period. That's the fact. This measure would actually treat these legal products in a more criminally punitive manner than we currently have an approach in place for actual marijuana. That makes no sense from a criminal justice perspective. Thank you, Mr. President.

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

ANDERSEN: Thank you, Mr. President. I rise in support of LB316 and against the MO246. I'd just like to read a quick article about a recent event. The headline was, Lincoln investigators believe Grand Island man killed in a head-on crash was vaping synthetic marijuana. Lancaster County Sheriff's investigators believe a Grand Island man killed in a head-on crash Tuesday morning was vaping synthetic marijuana. And people keep talking about that this is not a problem, this is not something we need to address, we're getting ahead of ourselves, we shouldn't be taking any action. This speaks differently. It continues. It says, deputies said Zacharie Cloutier crossed the center line on Highway 79 near West Bluff Road. He then collided with a semi-truck. On the sce-- he died on the scene. The truck driver thankfully was not hurt. It does say that the investigators said there was no brake marks from Cloutier's car prior to the crash, as if he was so high he didn't know what he was doing from synthetic marijuana. Again, I support LB316. And I'll yield the remainder of my time to Senator Kauth.

ARCH: Senator Kauth, 3 minutes, 50.

KAUTH: Thank you, Mr. President. And thank you, Senator Andersen. And that is truly a tragedy and one we will see more and more of. I've talked about the mom who picked up her 38-year-old son from the hospital after a three-day coma from one Delta product that he purchased legally over the counter in a store thinking it was safe. Our job is to make sure when people walk into a store and they buy something that it is safe. Now, I agree with Senator Conrad, and I was glad to hear she agreed with me that CBD is not the same as heroin. We are not talking about CBD products in this bill. We are talking about

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THC-- synthetic THC. When we talk about the CBD, they-- the, the stuff that is actually going to be legal and encouraged, quite frankly, by this bill, they will see huge sales growth. It has to be a cannabinoid. It has to be natural. And it has to have less than 0.3% THC. Let me remind you, Texas just banned anything with any concentration whatsoever of THC. They joined those 22 other states in saying, hey, guess what? We can see the damage that this is doing. As Senator Guereca said, once you know it's bad, then we can ban it. We know it's bad. There is no reason to wait. There is no reason to allow more and more people to be hurt by these products. There's a-- again, the, the deliberate muddling of this message is not surprising, but it is still disappointing. So when we hear people talking about, this is going to get rid of the creams and the lotions, and, you know, all-- they're going to go after grannies who just rub it on their elbows-- that's not what we're talking about. Please, everyone, out watching this episode of Days of Our Legislature, that is not what we're talking about. We are talking about those products that have 0.3% or more THC, that are not natural, that are made with some of these chemicals. The list of chemicals again: benzene-- benzene causes cancer pretty much for anybody who touches it. It is a horrific, horrific chemical. I can't even say some of these words. If I saw Senator Strommen here on the floor, I would ask him because I showed him this list and he's like, oh, my gosh. They're all bad. They are all bad. And they are all used to create these products that are being sold over the counter. And we know that they are bad. We are-- if we do not vote yes for this bill, what we are saying is that we accept the fact that we are poisoning people. And, yeah, it's not just kids. And, yes, adults do enjoy Nerds-- one of my favorites. But they're attractive to kids. They're designed to be shiny, bright, little objects. They are designed to make adults think, hey, guess what? That's a kid's candy. It couldn't possibly be harmful, because what state would allow harmful products that are marketed to children to be on the store shelves? Well, it's looking more and more like this state is going to, and that is really disappointing. So when we have senators get up and talk about how, oh, you know, there's overregulation, there's too much bureaucracy, there's-- this is going to create much more bureaucracy if we go the regulation route, because there are thousands upon thousands of products flooding in from China, flooding in from out state. Are we going to test every single one? And their packaging is completely inconsistent. Do we have to open up every single package, test it, reseal it, and then put it on the shelf? That's not gonna happen. Because why? They make millions of dollars.

ARCH: Time, Senator.

KAUTH: Thank you.

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

STORER: Thank you, Mr. President. Good afternoon. I don't know where to start with entering into this conversation other than to say it, it certainly is exasperating to listen to sort of how information can be manipulated and mischaracterized. I said this on the issue of fake meat and I'm going to say it on this issue as well. I'm a conservative. I don't believe that government should get in the way of business any more than they absolutely need to. I am a proponent of small business and entrepreneurship, but government does have a role. It has many roles, but one of our roles as government is to protect people from things that they couldn't otherwise do for themselves independently. And individuals do not have the capacity to know the processes that go into developing a product. That's why we have things like the FDA. As a consumer, when I walk into a store and I know that my government has said that product A is legal to sell, then I have confidence that it's safe on some realistic level, right? Anything, anything in, in abundance can be unsafe, but that's why you have prescription-- you have recommendations on the Tylenol bottle or on the Advil bottle. And what I don't think people are choosing to hear on the issue of synthetic cannabinoids is that we cannot guarantee their safety. We cannot, we cannot tell people, hey, you know, it's up to you. It might not be really healthy for you. Just-- you know, like, you know Doritos-- lots of Doritos may not be really health for you, but they're not gonna kill you. They're not gonna send you into a psychotic episode. So let me just read a couple of examples just, just for those, you know, that may be listening. And, and Senator Kauth has done a good job of trying to reemphasize what we are talking about and what we're not talking about. We're not talking about medical marijuana. Separate the two. Don't get all worked up. This is not about that. Here's just a couple of examples. Here in Nebraska, there are reports of adverse health events related to these THC synthetic products sold in the state-- currently legally sold in the state. 37-year-old man was in a coma-- this was in Nebraska. 37-year-old-man was in a coma for three days after ingesting THC gummies. The gummies were the size of a nickel, but he reco-- but the recommended dose was 1/16 of a gummy-- a sliver. An adult male was recently picked up by law enforcement because a THC vape caused a psychotic episode. A minor purchased a THC vape from a THC shop, which led to the minor having a psychotic break and being hospitalized. A three-year-old in Omaha was hospitalized after ingesting Delta-8 gummies. In other states, a-- six middle school students in Mississippi were hospitalized after a student passed out Delta-8 gummies to his classmates. A four-year old died after ingest

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Delta-8 gummies in Virginia, and the mother pled guilty to involuntary manslaughter charges after initially being charged with felony murder and child neglect. In Seneca, Illinois, a minor spent a month in a hospital psychiatric ward after Delta-8 triggered hallucina-- hallucid-- hallucinations and induced psychosis. The Wisconsin Poison Center reported that, in 2023, 145 people were documented as being made ill by Delta-8 products, with 47 of them being children under 12 years old. In February 2024, ten Missouri high school students became ill after eating Delta-8 gummies they bought at a gas station. Four were hospitalized. I could go, go on. I think you get my point. So this is doing our job, to ban something that is killing people, sending them into psychosis. It is not medical marijuana. This isn't a CBD product naturally extracted from the hemp plant. It's synthetic because of the chemical process used to enhance it.

ARCH: Time, Senator.

STORER: Thank you.

ARCH: Senator John Cavanaugh, you're recognized to speak. And this is your last opportunity before your close.

J. CAVANAUGH: Thank you, Mr. President. Well, I'm glad I got to follow right up after that. No, it isn't. Natural THC cannabis derived from the plant is derived through a chemical process. Your-- people's concern is with which process is being used. And that's totally legitimate to say we should regulate which processes can be used for the extraction. But synthetic is things that are not plant derived. That is a distinction, and it is clear and it is a fact. So just saying plant derived that's made in a process I don't like is not what we're talking about. And that is-- you're banning everything that is derived. And actually, I, I have a lot of things I want to address. But Mr. Mayo from Sweetwater did send us a letter, and I wanted to at least read parts of this. I'm writing this letter to clear up what's being said on the floor. And in all caps, he says, I do not support LB316. The bill does not address the real problem. I have been-- I have seen and talked to many of you the previous two weeks. I have been fighting this bill. I'm not a lobbyist or paid person to fight this bill. I'm just fighting for my small business so we can continue to grow and make great, legal products for my customers across the U.S. The definition of this bill makes all CBD products illegal across the entire state. This bill will almost immediately shut down growing, processing, and retail. This shuts down the entire hemp market in Nebraska. Please vote no on LB316. So Mr. Mayo, whose extraction process is water-- I think it's ice water-- it-- is saying this bill will shut him down and all of his

customers who he does white-label processing for. And he wants to be clear: he does not support LB316. So I want to make that clear. In my short amount of time I'm going to have left on my last time talking, I wanted to address the conversation about these products are already leg-- illegal is what folks have said. These products are already illegal. If the products are illegal, why do we need a bill to make them illegal again? If they are already illegal, why has the Attorney General who is so gung ho to go after these stores not criminally charged anyone under this? This-- Attorney General has filed civil cease and desist letters to stores and asked them-- or, told them to pull products off the shelf without even speaking to them and saying-- suggesting which products he thinks they should have pulled beforehand. So if this is already illegal, why has law enforcement not charged anyone? We know that they are willing to charge people who commit crimes. As Senator Kauth just said, we should be respectful of the law and people should be law-abiding. If we know people are violating the law, why is it there are no county attorneys filing these charges? Why are law enforcement not citing, ticketing people for this, and arresting people? Why has the Attorney General not filed a single criminal indictment? These are all civil suits. It is currently legal, and these businesses are built on a framework that is both federally and state legal. We do need more regulation, but we do not need to make it illegal just because the Attorney General doesn't like it, just because certain people here don't like it. And I do agree that there is necessity for regulation in this industry to address some of the legitimate concerns that are raised. But those legitimate concerns do not get to the level of an outright ban-- a ban, by the way, which is proposed because it is legal. And people are following the law. And they are asking to create a structure where they can follow the law. And I, I-- actually, I think it was Senator Storer also said that people need to be able to know what's safe. They need to be able to rely upon these things. That's exactly what a regulatory framework is for. And a ban is government overreach. A ban is government red tape. Yes, there is a role for government, and sometimes government can be a burden on businesses, but sometimes it is necessary, as is articulated here. This is exactly the role of government, to make sure that these consumable products are safe, that they are what people say they are, and that, that-- that you can rely upon them when you buy them and consume them. That's the role of government. It is not to shut people down because you don't like it. That's the bottom line here. So LB316 doesn't-- goes too far, doesn't accomplish the goals, shuts down Nebraska businesses, shuts down good Nebraskans who are innovating within a legal framework. So this is currently legal. This bill is unnecessary. This bill goes too far. So I encourage your red vote on

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cloture, your green vote on the motion to recommit, and your red vote on the, the underlying bill. So I think that is going to be my last time to speak. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. I just want to make a couple more points as we wind down here. When we're talking about the difference between banning and regulation, I would just like to point towards-- I think it was LB230, which was a bill that Senator Hallstrom brought this year which actually permits and regulates the sell of-- sale of kratom. We banned who it can go to in terms of under 21. We regulated the industry, but we still permit the sale of kratom. And that bill actually passed 49-0. So everybody in this body voted for a bill that permits the sale of kratom and regulates that sale. Even if you don't like it, you allowed it to happen. So I just wanted to make sure we all are clear that there is a history of allowing the regulation and the sale of things we don't necessarily agree with. And with that, I would yield the remainder of my time to Senator Ben Hansen.

ARCH: Senator Hansen, 4 minutes, 10.

HANSEN: Thank you, Mr. President. I thought for sure Senator Dungan would only yield me 30 seconds. So thank you. I appreciate it. All right. OK, colleagues. So I, I at least want to get up here and explain my vote when we come up here on, on cloture. I've communicated this not only in town halls, the public to my constituents but others here on the floor, is that the amendment that Senator Kauth did legitimately try-- and I would thank her for it-- limi-- legitimately did try to get on this bill was one of my amendments that had to do with the-- the hemp act that we're changing right here will not affect what happens with medical marijuana, either the bill that I had previously or what the Medical Cannabis Commission will eventually come up with. And so I do have significant concerns-- and others do as well-- that the language in bill can negatively impact medical cannabis. And I think in the current environment we have with the AG-- who I deeply respect and I would consider a good friend of mine-- we just have different philosophies on this subject-- is hostile towards medical cannabis or CBD. And so in that kind of environment, language that is such-- in this bill I think could be used to greatly impact medical marijuana, and that's something I cannot have. I think the people passed that for a specific reason, and I think they are then due to have what they voted for. And now, whatever regulatory fashion we would have come up with or what the Medical Cannabis Commission does come up with, I think this language will really impact that. So not gonna speak so much on

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the particulars of the bill itself. I think Senator Kauth has done a great job in communicating that and what the bill is about. But that specific amendment is something I did need to have on here to protect medical cannabis in Nebraska and what the people voted for it. So with that, I will be voting no on cloture. And so I just at least wanted to get up here and explain that a little bit before the vote comes down so people understand that. Thank you, Mr. President.

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

KAUTH: Thank you, Mr. President. And I appreciate Senator Hansen making his position clear. I am extremely disappointed. Again, this is, this is part of the strategy on the floor, is if you don't like something-- like the left does not like this bill-- they block it up with excessive motions. So all you freshmen and myself, take note and start making plans. Because when we see things, what we need to do is put 15, 20 floor amendments on first on any bill that we don't think we're going to like and make sure that any amendment or any possible changes can't be made. So that's what happened, is we could have had a successful amendment that would have alleviated a lot of concerns. And it was blocked. And I, I do-- so Senator John Cavanaugh is saying it is exactly the role of government to make sure those products are safe. We agree on that. But yet he wants to continue selling these absolutely dangerous, untested, toxic products. Senator John Cavanaugh is being disingenuous with his comments. Either he's irritated that his regulation bill didn't make it forward or he is very much indebted to the lobbyists out in the Rotunda who are pushing against this bill, but LB316 is about consumer safety. That is all this bill is about, making sure that those incredibly dangerous products do not stay on the shelves. I find it absolutely fascinating that all of these businesses are writing in and saying, if this bill passes, we're going to be put out of business, everything will shut down. What that tells me is that every one of those businesses who have sent in letters and said, we're going to be shut down, are admitting that they are selling dangerous, untested, unregulated, synthetic pot products. They are putting the health and well-being of their pocketbook above the health and well-being of Nebraskans. And I'm extraordinarily disappointed that that is where we have come. I will tell you that we've been working this bill very hard. We have had people who gave their promises that they would be with us on the bill who succumbed to the lobbyists pushing them and saying, gosh, you're going to destroy everything. This is all about medical marijuana. It is not. And if you're one of those people who has succumbed to that, it's very disappointing that you would listen to a lobbyist who is getting paid lots of money and who is helping these businesses earn even more money by selling dangerous,

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synthetic products. So the next time we see in the newspaper that a child dies from eating a gummy or there's a terrible car crash because somebody was high on something that they walked into a gas station and picked up on the counter, because it's there, please understand that that could have been averted and your vote could have stopped it. Ladies and gentlemen, we work very hard to do the right thing in this body. And we disagree plenty of times. I would hope that we would look at the health and well-being of Nebraskans over everything, including of the pocketbooks of those people who are selling these products. Thank you, Mr. President.

DeBOER: Thank you, Senator Kauth. Mr. Speaker for an announcement.

ARCH: Thank you, Madam President. At the request of the introducer, I would ask that we pass over LB316 and LB316A and proceed to the next item on the agenda.

DeBOER: Mr. Clerk for the next item.

CLERK: Madam President, some items for the record. Bills read this morning-- or this-- excuse me-- this afternoon were presented to the governor at 1:00 p.m. Additionally, conflict of interest-- or, communication from the Speaker concerning conflict of interest filed from Senator Brandt. Your Committee on Enrollment and Review reports LB48 and LB48A as correctly engrossed-- correctly enrolled. New LR: LR279, from the Executive Board. That will be referred to the Executive Board. As it concerns the agenda, Mr. President, Senator-- the-- excuse me-- the General Affairs Committee will-- would report favorably on the gubernatorial appointment of Monica Oldenburg to the Nebraska Medical Cannabis Commission.

ARCH: Senator Holdcroft, you are recognized to open on your confirmation report.

HOLDCROFT: Thank you, Mr. President. And good afternoon, colleagues. I rise today to present for your approval Dr. Monica Oldenburg, a gubernatorial appointment to the Nebraska Medical Cannabis Commission. The Nebraska Medical Cannabis Commission was created to provide the registration and regulation of individuals and entities involved in the process-- I'm sorry-- possession, manufacture, distribution, delivery, and dispensing of cannabis for medical purposes in accordance with the Nebraska Medical Cannabis Regulation Act. The General Affairs Committee held a confirmation hearing for Dr. Oldenburg on May 22 and voted to advance her nomination with a recommendation for approval. The vote was 5-2-1. The governor has the authority to appoint two members of-- to

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the Nebraska Medical Cannabis Commission subject to confirmation by the Legislature. Those appointees will serve alongside the existing three members of the Nebraska Liquor Control Commission on the Nebraska Medical Cannabis Commission, and their terms will be for six years. Dr. Oldenburg, a Lincoln resident and board-certified anesthesiologist with more than 18 years of experience in clinical anesthesia care and pain management. Dr. Oldenburg completed her undergraduate studies in biochemistry and chemistry at the University of Dallas, earned her medical degree from Creighton University School of Medicine, and went on to complete her residency in anesthesiology at the University of Texas Medical Branch. Dr. Oldenburg currently practice-- practices with Associated Anesthesiologists, PC, providing critical care to patients throughout our commi-- community. Dr. Oldenburg's extensive experience in medicine, combined with her deep concern for the health, safety, and overall well-being of all Nebraskans, makes her a well-qualified candidate for this role. I encourage the body to support the appointment of Dr. Monica Oldenburg to the Nebraska Medical Cannabis Commission. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. We're almost to the end of the day. I am surprisingly in opposition to Dr. Oldenburg, but I did want to say some nice things. I-- Senator Holdcroft did a nice job of introducing Senator-- Dr. Oldenburg and her, and her qualifications. And I would tell you she called me before the hearing. We had a nice talk. And she I think has been professional in this endeavor, but I-- she was a person who spent her career in opposition to the medical cannabis bills that were brought to this Legislature and the cannabis-- the ballot initiative and then all the bills to regulate cannabis in this Le-- that were brought to this Legislature. So Dr. Oldenburg is a person who maybe has great qualifications, is nice, is smart, all of those things. I don't have negative things to say about her personally, but she has a bias, and that's-- she articulated that bias at the hearing. She specifically said she has a bias against smoking. And I know folks will probably say that it's OK as a doctor there might be a bias against smoking, but there's a problem when you bring your bias: you cannot be impartial to the regulatory system. So there's a number of things-- I'll probably punch in at least twice to talk on this because I want to address a few things. But, you know, the-- we have an incredibly important role to play here. So the constitution invests in us and the governor-- governor the power to appoint, us the power of oversight and consent, advice and consent for these appointees. So I take it very seriously.

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We ask a lot of questions. I asked Dr. Oldenburg a lot of questions at that hearing and before the hearing. And the-- again, that's where she said she had a bias when it comes to this. And my concern for both of these appointees is the fact that this board is a board that is for regulation of the manufacture, distribution, and sale. So I think that is something that's really important for us to understand. This is not a board that is going to be empowered to make determinations about what ailments are going to be eligible for medical cannabis. It is not going to have the authority or power to regulate what types of delivery mechanisms-- so whether it is flour-- which we debated here-- or whether it is gummies or edibles or butters or tinctures-- and in the-- not going to have the authority to determine the amounts. So those are things that are not within the purview of this board. But this board has an obligation to create reasonable regulations that will allow individuals to go into business growing cannabis, will go into processing, and go into sale. And so I am concerned when somebody says they bring a bias to that process that they are going to put in place less than reasonable regulations, maybe unreasonable regulations that would be ere-- artificially erected hurdles to people getting access to the medical cannabis that they voted for, that their doctor would then at that point approve them for and recommend them for. And so the role of this is to facilitate, and it's not to bring your bias to it. So that's my ultimate opposition to Dr. Oldenburg. And I would again point to the statute-- so this-- the, you know, the cannabis ballot initiatives were enshrined in the statute. And the-- this portion begins at, I think it's 21-- or-- sorry-- 71-24,106 I think is where it begins. And the one part I would draw your attention to is that the commission is to be the three-- so for purposes of providing necessary regulations, the commission shall consist of no fewer than three and no more than five. The three members of the Liquor Control, Control Commission shall be ex officio members. So those are the only guaranteed minimum three, are the three members of the Liquor Control Commission. The governor may appoint two additional members. So my point to you at this point is we do not have to confirm these folks to get regulation. We do not have to appoint anyone additional than the members of the Liquor Control Commission. And the Liquor Control Commission board members acting as the cannabis control members can and should already be putting together these regulations. So they need to be doing that, and we don't need to put in place two additional people for them to get that work done. So that is not a concern. If you are concerned about them not getting the regulations done, adding two more people does not-- is not a hurdle to that-- or not adding the two people. I think we should send these folks back to the governor. We should not confirm them, and ask the governor to appoint someone who is

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at least not openly hostile to medical cannabis, people who do not say things like they don't believe that medical cannabis is a thing, they don't believe there's such thing as medical cannabis.

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. Pres--

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

STORM: Thank you, Mr. President. I'm going to read about Dr. Monica's credentials here a little bit. First of all, I, you know, I rise in support of her, of Dr. Monica Oldenburg. She has a BA in Chemistry and a BS in Biochemistry from the University of Dallas, received her MD from Creighton in 2003. She wanted to compete her residency in anesthesiology, which was four years, in-- and in 2007 from the University of Texas Medical Branch. Currently, she's an anesthesiologist, having practiced in Nebraska for eight years and Colorado for ten years. Having practiced in Colorado, which is both a recreational and medical marijuana state, she is a perfect individual to help develop medical cannabis licensing policies that make sense. Contrary to what many have said, Monica is not a prohibitionist when it comes to medical marijuana. At the hearing, Monica explains she is pro-research and acknowledged that there is an emerging studies and medical research that changed the way we practice medi-- medicine. Furthermore, Monica reiterated there is a place for cannabis and how she is committed to being deliberate in the manner in which we determine how best to designate appropriate conditions for medical cannabis and regulate those entities that will dispense medical cannabis in our state. You're not going to find a better person than her for this board. I find it really ironic that the one thing that Senator Cavanaugh has against her is that she doesn't like smoking marijuana. What credible doctor do you think is ever going to come out and say smoking anything is good for you or be medicine? You're never going to find one. And, and what she said at the hearing that Senator Cavanaugh didn't say when he talked about she was against smoking marijuana-- she's, she's against smoking anything. She spends, she spends her time as an anesthesiologist extracting breathing tubes from patients' mouths. She can tell patients who smoke anything by what the breathing tube looks like. And so I-- this idea, once again, that smoking marijuana is medicine to me is laughable. And this notion that we just want the Liquor Control Commission to regulate marijuana and not have any doctors on there-- I thought this was medicine. You know, this isn't liquor. This is medicine. Don't you think we need a doctor on this commission to regulate medicine? I mean, if you're

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pro-marijuana and pro-recreational marijuana-- no, you want the Liquor Control Board to set up the regulations for this. If you truly wanted to look out for the safety of people and regulate this as medicine, you probably need some doctors on that board. So, so Monica is wonderful. I wasn't con-- I wasn't shocked that Senator Cavanaugh and others on the committee were against her. He talks about bias. Yeah, there's, there's bias. And there's bias against people that want to get on the board as well. So I would ask all of you for her vote. You're not going to find a better candidate than her to be on this commission. And I think it's vital that we have people that are doctors or in that, that field that understand medicine and biochemistry and the health care field to regulate what we're going to bring into our state. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, I rise in support of the confirmation. I would say that a lot of people have talked this session about the Legislature not honoring the vote of the people. Well, honoring the vote of the people is to vote for the confirmation of these two individuals so that we can move the process forward. Understand that in the ballot initiative it didn't say to direct the Legislature to build rules and safeguards. No, it-- the Leg-- the ballot initiative was to have the governor support or create a commission who would build the rules. That's, that's what the ballot initiative said. So if you want to respect the will of the people, then support the governor appointing a commission, of which these two members would be a part of. That's what this means. OK? For some reason, those who have supported this are being told that they are not supporting the vote of the people, the will of the people. But we are. You need to su-- you need to create the commission. You don't come to the Legislature and front-run their decisions by building your own rules according to what you want to do in the Legislature. Let them act. If we don't like what they're doing, we can always come back and revisit it. But we need to go through the process, and that means select the commission-- the commissioners to serve on the commission, let them make a decision, come out with the rules, follow the process, follow the will of the people. That's what we're doing here. With that, I would just say a green vote on both of the candidates. Let's move this on along. I think everybody's pretty well formed their opinions on what they want to do. So we can stay here longer or we can, we can sit here and debate, so. Thank you, Mr. President.

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

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QUICK: Thank you, Mr. President. And I just-- I'm on the General Affairs Committee, so I was there present for the hearing. And I think right now I'm, I'm-- my-- I'll be opposed to appointing Dr. Oldenburg to this-- to the commission. I was one of the-- I was present, not voting on the committee voting her out of committee. And I'm going to say the, the reason I was present not voting, because she did slightly better than the first appointee testifying. So that was probably my reason for present, not voting. I know she had ex-- had expressed maybe some of her bias towards medical marijuana, and that's some of my objection, as well as maybe previous opposition to medical cannabis. Probably one of the other things I think about is is that-- so some of these commissions that we make appointees for, I know in the past some-- there's been at least one person that I know of actually that wasn't approved by the Legislature to be on a-- be on a commission. So I know it's happened before. And I felt-- and I know for that person-- basically, I believe it was because they felt like maybe he would be too favorable towards some things towards that, that commission. And so I think if we think about this in a, in a logical way-- yeah-- if, if-- let's just say for a commission and if you had someone for-- let's just say any of the other commissions-- say it has to do with agriculture and they were opposed to agriculture, you probably would be opposed to that person being on the agriculture-- any type of commission re-- re-- referred to agriculture. So for those reasons, I'm going to be a, a-- of a "no" vote on her confirmation. And thank you, Mr. President.

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

STORER: Thank you, Mr. President. I stand in support of this confirmation out of certainly respect for the majority recommendation coming out of committee. I think we certainly have to-- that's really the purpose of these committee hearings. We lean on, on their recommendation because they, they have had, ha-- had first crack at, at the, in essence, interview-- that's kind of what a, a hearing is-- and listening to the concerns, and then being able to forward us that recommendation. I do want to just make one brief comment-- and I, and I appreciate Senator Quick's comments on concerns about bias. But at the end of the day, everybody has an opinion on, on the issue that they could be an expert in. They're going-- if you really pry and ask enough questions, you're probably going to find that, OK, are they, are they-- lean this way or a little bit that way? What we're-- we need to be concerned with primarily is their qualifications. Are they qualified in this instance to help develop the regulations for medical marijuana? And I think there is not-- I haven't heard any concern about the qualifications of this candidate, and that, that really is our primary

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focus. So again, I stand in support of this confirmation. Thank you, Mr. President.

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

BOSN: Thank you, Mr. President. And good afternoon, colleagues. I just-- I, I rise in support of this nominee but also wanna take a minute to explain sort of what this process is. The Ballot Initiative 438 created the Medical Marijuana Commission and the makeup of that commission. Section 4 of the initiative required a minimum of three and maximum of five members, two of whom were appointed by the governor, subject to confirmation by the Legislature. The proponents of the ballot initiative wrote that language. Nebraskans approved that language, giving the governor two seats on the board. The Legislature today can take one of three different options. We can not take up the confirmation report at all. We could adjourn. And those two individuals will assume the seats on the board. They will remain on the commission. Second, we could not confirm one or both of the appointees. And if we take that route, the governor could appoint new or the exact same individuals to fill those seats until next session or beyond next session. The two individuals who are going to be presented to us today will still be on the commission during the July period of time where the ballot initiative goes into effect. Third, we could appo-- we could confirm both appointees. I don't give you those three options to persuade anyone to vote for someone who's unqualified-- solely to present that those are the three options that we have today. And if I'm wrong, please let me know. I don't think we should appoint someone who's unqualified, but in this particular case, these individuals I believe are qualified. That's based on review of the hearing. That's based on review of the information that's been presented to us in newspaper articles and in other places, certainly from constituent emails. I think that the individuals per-- specifically Dr. Oldenburg-- has the qualifications to sit on this board and has exhibited and demonstrated a willingness and a commitment to implementing the, the responsibilities and the regulations of the commission. I had a conversation with the Clerk earlier because I was not exactly sure what the process was if we should or should not, and I'll just read the opinion that the Attorney General wrote May 21 of 1973. It says the Legislature has the right to approve or disapprove the appointment. If a majority of the members vote to approve, that is the end of the matter. If a motion is to approve and it does not receive the necessary majority, you have neither approved nor disapproved, because the constitutional language now in force says that a majority of the members shall have the right to approve or disapprove. If the motion is to disapprove and it does not receive a majority, the Legislature has

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not disapproved him or her. If no further action is taken after the failure of a motion to disapprove or after the failure of a motion to approve, then it is our view that the appointee will serve until the end of the term for which he has-- or she-- been appointed until the next session of the Legislature. At which time, you have the right to approve or disapprove. If the Legislature does not exercise that right during the time specified, we do not believe it can leave the matter undecided until subsequent sessions and thus leave the appointee in doubt through the rest of his term. So colleagues, the fact of the matter is if we don't approve these individuals, the governor will poi-- appoint someone else to fill those vacancies. We can come back next year and not approve that individual either. We can continue doing this song and dance. But the ballot initiative gave him two seats to appoint to that commission. And if the individuals that he appoints our-- are qualified and are committed to the goals of that commission, it is my position that we should be supportive of those candidates. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good afternoon, colleagues. I was hoping that I could ask Senator Holdcroft a few questions.

ARCH: Senator Holdcroft, will you yield?

HOLDCROFT: Yes.

RAYBOULD: Thank you. Thank you, Senator Holdcroft. You know, since we haven't been part of the process-- and I know you've been involved from day one-- do you feel comfortable that both of the candidates that were interviewed in the General Affairs Committee will be impartial and execute on what the ballot initiative requested of them?

HOLDCROFT: Well, yes. I mean, both of them expressed willingness to work with the other members of, of the commission for the betterment of Nebraska individuals as a whole. I think-- I mean, in the past, they've been-- I wouldn't call them opponents, but they've been-- they, they "testified" against medical marijuana. But both of them emphasized the importance of the new, new research. And if there's one area for medical marijuana-- and it's because it's a Schedule I drug, and so it, it is highly addictive. And it-- according to the FDA, there's no medical value. So there have been no tests, no clinical trials on medical marijuana. And so all the-- all what you hear out there in society is based on people trying it and, and, and then feeding back that it, it, it helped them. But now we have some, some experts who

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have been in the field who both recommended that there's new research to be analyzed and that should influence the way we move forward with medical marijuana.

RAYBOULD: Thank you. I have another question. Do you-- you know, there's a very tight timeline, as I understand it. They have to develop all this by July 1. Do you think that the mission before them is something that they can get accomplished by July 1?

HOLDCROFT: Yes. I think-- in fact, you know, if we had passed LB677, it would have kicked those dates down the road. It would-- instead of 1 July for the promulgation of what the regumended-- re-- regulations would be, it, it-- it's-- it would be 1 October. But the governor has, with his action here early to, to get these individuals approved for the commission, he tends to move out on this. And, and, and so we'll be adhering to the dates that are in the referendum, which means, 1 July, they will start promulgating the rules and regulations for medical cannabis in Nebraska.

RAYBOULD: So another question. We all know our Attorney General has stated that he is in opposition to medical marijuana. Do you feel and have you been given commitments from the Attorney General that he can also act impartially to, to execute timely on putting forward regulations and guidelines?

HOLDCROFT: Sure. I think that the AG right now is pretty happy with the way things have gone. He has-- he asked us not to pass any, any legislation before the opportunity for the lawsuits to make their way through the courts. And with the defeat of LB677, that is what has turned out to be. I also believe that, with the governor's encouragement to establish the commission, I think that the AG is on board with providing expertise to the commission in the formulation of these rules and regulations by 1 July.

RAYBOULD: So the last question-- I, I didn't brief you on-- but do you think if we fail to approve these appointments, will that derail the timeline of getting the regulations out?

HOLDCROFT: It could. It depends on what the governor does. As Senator Bosn just briefed, if we do not approve these two nominees, well, then, as soon as sine die occurs, the governor can, can step in and, and appoint two others. And they would be temporary appointees, but they would have full authority on, on the Cannabis Commission to, to move out and set the re-- rules and regulations. So sometimes it's better to know who the devil is before you reject the devil and find out who--

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someone worse. So I-- you know, these are two excellent candidates, in my opinion. I think they do a great job. I think they are, they are caring individuals who wanna do what's best for Nebraska. And, and I strongly support their, their appointment to the commission.

RAYBOULD: Well, thank you, Senator Holdcroft. I appreciate your answers. And thank you, Mr. President.

ARCH: Senator Holdcroft, you are recognized to speak.

HOLDCROFT: Thank you, Mr. President. I'd just like to read from the referendum. Now, this is law. Let's see here. Where was-- Section 4(4), the governor may appoint two additional members subject to confirmation by a majority of the members elected to the Legislature to serve with the members of the Nebraska Liquor Control Commission as members of the Nebraska Medical Cannabis Commission. The members appointed pursuant to his-- to this subsection shall serve six years. That's the only guidance there is in the referendum on these two candidates, that they have to be recommended by the, by the governor, nominated by the governor, and approved by a majority of the, the Unicameral. There's nothing in here about their biases, whether they are for or against, or anything about their qualifications or what he expects them to do on the commission. It only says that he has the authority to appoint two additional members. And as been already mentioned, you know, it's-- in, in the past, we have not really questioned the qualifications of the individuals that the governor sends to us. I mean, if, if they are clearly not qualified, well, fine. That's, that's one thing to consider. But in-- these two individuals in particular have quite a bit of experience. Dr. Oldenburg in pain management. She's worked with-- in Colorado, so she knows the impact of marijuana there. And, and also the next candidate, Mueting-- Ms. Mueting. She has been working in addiction for, for many, many years. So these really are fine candidates to be on our commission to, to set up the rules and regulations for, for the-- for our medical marijuana program. And I would also point out what it says about the power of the commission. And it's under Section 5 of, of 438. The power to regulate all phases, all phases of the control, of the possession, manufacturing, distribution, delivery, and dispensing of cannabis for medical purposes by registered cannabis establishments in, in the state-- in the state pursuant to the Nebraska Medical Cannabis Regulation Act is vested exclusively to-- in the commission. So the commission is the authority for our, our program. Some would argue that 437, 438, the program that it sets up is essentially recreational marijuana. I mean, we're talking about doctors, PAs, and certified nurse practitioners who can recommend-- and not even, not even registered in the state of Nebraska.

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These, these doctors, PAs, and certified nurse practitioners can be registered in another state. But they have the authority to recommend marijuana for any and all ailments they think it might-- that it might help-- be helpful for. Any and all. And, and also in any form, up to 5 ounces worth of, of cannabis. So do-- doctors anywhere can prescribe for anything in any amount up to 5 ounces. And, oh, by the way, they could prescribe that every other week. If that's not recomme-- recre-- recreational marijuana, I don't know what is. The only limit in these two referendums is the commission. So having commissioners that are a little bit conservative on their views of medical marijuana I don't think is a bad thing at this stage of our program. Thank you, Mr. President.

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

ANDERSEN: Question.

ARCH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house be placed under call? All those favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 1 nay to place the house under call.

ARCH: The house is under call. Please-- senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dungan and Armendariz, please return to the Chamber. The house is under call. Senator Armendariz, please return to the Chamber. The house is under call. Senator Holdcroft, we are missing Senator Armendariz. Would you like to proceed or wait?

HOLDCROFT: Please proceed.

ARCH: Colleagues, the question before the body is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 32 ayes, 8 nays to cease debate.

ARCH: Debate does cease. Senator Holdcroft, you are recognized to close.

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HOLDCROFT: Thank you, Mr. President. Just in brief then, again, we're talking about Do-- Dr. Monica Oldenburg, nominee to the Cannabis Board Commission. She is a Lincoln resident, board-certified anesthesiologist with more than 18 years of experience in clinical anesthesia care and pain management, pain management. Dr. Oldenburg completed her undergraduate studies in biochemistry and chemistry at the University of Dallas, earned her medical degree from Creighton University School of Medicine, and went on to complete her residency in anesthesiology at the University of Texas Medical Branch. I strongly recommend her approval to the commission. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the adoption of the confirmation report from General Affairs. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 34 ayes, 11 nays on adoption of the report, Mr. President.

ARCH: The report is adopted. Mr. Clerk, next item. I raise the call.

CLERK: Mr. President, the General Affairs Committee would report favorably on the gubernatorial appointment of Lorelle Mueting to the Nebraska Medical Cannabis Commission.

ARCH: Senator Holdcroft, you are recognized to open on your report.

HOLDCROFT: Thank you, Mr. President. And colleagues, I rise today to present for you-- for your approval the gubernatorial appointment of Lorelle Mueting to the Nebraska Medical Cannabis Commission. The Nebraska Medical Cannabis Commission was created to oversee the regu-- re-- registration and regulation of individuals and entities involved in the possession, manufacture, distribution, delivery, and dispensing of cannabis for medical purposes in accordance with the Nebraska Medical Cannabis Regulation Act. The General Affairs Committee held a confirmation hearing for Ms. Mueting on May 22 and voted to advance her nomination with a recommendation for approval. The vote was 5-3. The governor has the authority to appoint two members to the Ne-- Nebraska Medical Cannabis Commission, subject to confirmation by the Legislature. Those appointees will serve alongside the existing three members of the Nebraska Liquor Control Commission on the Nebraska Medical Cannabis Commission, and their terms will be for six years. Lorelle Mueting currently serves as the prevention director at Heartland Family Service. She brings with her 24 years of dedicated experience in the field of substance abuse prevention. Ms. Mueting is widely respected as a behavioral health advocate with a strong record of promoting public health initiatives while thoughtfully balancing

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public health goals with public safety considerations. Ms. Mueting's extensive background in prevention and behavioral health will bring a valuable perspective to the commission. Her experience and insights will enrich the commission's discussions and be instrumental as the state moves forward with the effective regulation of medical cannabis. I respectfully urge your support in confirming the appointment of Lorelle Mueting to Nebraska Medical Cannabis Commission. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I do rise very hesitant about this appointment for a couple of different reasons. I had the opportunity to watch part of the hearing. I didn't get to see the entire thing, but I watched the beginning of this hearing, and I saw the questioning of this candidate for the, the board. Excuse me. And I think the question posed by Senator Rountree was one of the best, I think, and most succinct and, and very quickly worded, which was, how are you going to pivot from prevention into permission? And I think that the phraseology of that was a really good question for somebody who, you know, as by virtue of their current position and their, their background, has established a long history and record of prevention. Now, I want to be very clear. Prevention for a lot of illicit substances and, you know, folks who are dealing with substance use disorder is an important role. And by all accounts, it sounds like this individual has done a great job in their current job. But the question is not, is the individual fit in their current position? It's, is the person fit for this role? And when you are talking about the members of a commission whose job it is to put together the rules ultimately about the sale, distribution, and growing, I wanna make sure that we're putting somebody in that job who is adequately informed, who has a willingness to learn about the entire array of medical cannabis issues, which means not just a desire to prevent people from using it but also the benefits. 38 states, I believe, currently allow medi-- medical cannabis. And so, you know, we've heard today and on past rounds of debate that there needs to be more research or there needs to be more time looking into this. The data is clear about the benefits of medical cannabis, and it's been very well-established that it is an avenue that can-- that an individual can go down. Now, I'm not saying it's for everybody. And I'm not saying you have to like it. But our folks that are on this commission need to be people that are willing, I think, to address the entire gamut of information and data, not just people that want to prevent or stop individuals from having access to medical cannabis. So I am concerned about this particular appointment by virtue

of the history and the background of the individual. Again, I'm sure they are perfectly suited for their new job. They seem like a highly intelligent, highly qualified person. This is not a personal attack. But I don't believe that this is the role that that individual should be in. Obviously, we want the folks that are on this commission to be able to do their job in an objective fashion and not slow-walk a lot of the requirements and rules that are in place. I would appreciate if somebody could kind of go into some more detail about what the ramifications of slow-walking these requirements as established by the ballot initiative would be. I'm not on the committee, so I didn't get a chance to ask all of those questions. But I do think it's important that we put people in this role that are both willing and able to follow through with effectuating the will of the people. One of the things that I asked Senator Storm, I think, on one of the rounds of debate with regards to medical cannabis is, do you think the will of the people was not just to legalize medical cannabis but to provide actual access? And I would argue that in order to actually possess and benefit from medical cannabis-- which has been voted on by the vast majority of Nebraskans-- we need to make sure there is actual access to that and not an overly limited structure where, effectively, folks who are against medical cannabis are the ones writing the rules and in doing so create an overly regulatory structure and burdensome environment where there is no access. So respectfully, I, I would oppose this confirmation. I have enough concerns about their desires to fully effectuate the medical cannabis regulations. And so I look forward to hearing a little bit more of the debate here today. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I rise in opposition to the appointment of Lorelle Muetting for the Medical Cannabis Commission. So I just want to hit on qui-- a few things. There's a lot to hit, but I know folks are tired of being here and we're going to call the question as quickly as possible. So one thing I want to make clear is that the purpose of the Medical Cannabis Board is to create regulations to provide for the possession, manufacture, distribution, delivery, and dispensing of cannabis by the registered cannabis distributors. So it's just for the-- these businesses. This commission does not have authority over these other aspects, of which ailments, which types, delivery mechanisms, those sorts of things. So that is really important for people to understand. And one of my fundamental oppositions to both of these two people is that they don't recognize that. I talked to them both before the hearing and during the hearing, and I did not get the

sense from them at either time that they understood what the role and powers of the commission were going to be. It's a fairly limited articulation of powers, and it is fairly specific to the manufacture, distribution, sale, and dispensing. It is not these other things. Both of them-- Ms. Mueting said that she would be interested in limiting which ailments and which delivery mechanisms if it was something that would be in their power. I did ask what she thought they should do, which type of recommendations, she said she hadn't given it a lot of thought. So-- and at the hearing, I asked a number of questions about what they saw was their role at the commission, and there were no answers to that. So, yes, they are nice people and they have some good qualifications. And I have no opposition to a doctor being either on the Liquor Control Commission or the Cannabis Control Commission, but it is not a particular area of expertise that is necessary to regulate stores. That's what we're talking about. Agriculture and distribution, manufacturing, and stores. A doctor is just as good as any of the other laypeople who are currently on there. So I, I agree that a doctor is good and their perspective could be helpful, but not necessary. But what we need is somebody who understands the role of the commission, who understands how to create these regulations, and understands that it is not about pursuing their agenda. We heard from folks who said that they wanted impartial people. They didn't want somebody who was in favor of the campaign, but they didn't want somebody who was opposed to medical cannabis either. And that's what we have here with Ms. Mueting, is somebody who is just opposed, doesn't think medical cannabis exists. And so my concern is not the, the-- she's not qualified. My concern is that she brings that perspective to every decision that the commission might make. So in terms of what-- whether or not stores can get-- or a-- can get a license, whether or not we're going to limit the number of licenses, whether or not we're going to limit the numbers of manufacturers, whether or not we're going to put up artificial hurdles to what types of delivery mechanisms people might get. That is not the purview of the commission, and that's what my concern is. So I have a number of other concerns. I don't think we are gonna get a lot of chances-- people are gonna get a lot of chances to talk on this. But I think Senator Hansen has some things he wanted to say. And I know he watched the whole committee hearing, so I'd yield the remainder of my time to Senator Hansen.

DORN: Thank-- Senator Hansen, would you yield to question?

HANSEN: Sure.

DORN: Sorry. You're yielded 1:20.

HANSEN: All right. Thank you. All right. All right, colleagues. I, I, I, I, I want to get up and explain a little bit again about, about what I heard during the hearing about some of my opinions about both of the candidates here, both the appointees, because I think they're both relevant together here. And so I'm hoping to get through all this in the time that I do have. And-- so this really comes down to two main reasons for me when it comes to Ms. Mueting. One of it has to do with impartiality and the other one has to do with a lack of knowledge or expertise in the medical cannabis industry. And I kinda go through those here a little bit. While I acknowledge Ms. Mueting's professional background and long-standing work in behavioral health, I believe her appointment risks undermining both the purpose of this commission and the clear intent of the voters who overwhelmingly approved the Medical Cannabis Regulation Act. Ms. Mueting has consistently and publicly opposed medical cannabis in Nebraska. Over many years and multiple legislative sessions, she has testified against bills that would have expanded access to patients in need. Now she seeks to be one of just five individuals entrusted with overseeing the very program she has actively worked to prevent. Additionally, Ms. Mueting leads an organization that has opposed even modest improvements to Iowa's limited medical cannabis program. That program is far more restrictive than what Nebraskans voted for when over 71% supported a comprehensive and compassionate medical cannabis system. Her track record suggests she will advocate for barriers to access, not patient-centered implementation.

DORN: Senator Hansen, that is time. Thank you, Senator John Cavanaugh and Senator Hansen. And you are next in the queue, so you're recognized to speak.

HANSEN: Thank you again. So colleagues, let me put it plainly. We would not appoint someone who believes in prohibition to the Liquor Control Commission. We would not appoint someone who works for PETA to the Brand Committee. Similarly, we should not appoint somebody who denies the legitimacy of medical cannabis to the very body tasked with implementing its regulation. This isn't just about professional qualifications. It's about trust-- trust in the will of the voters, trust in the integrity of this new commission, and trust that we are putting the right people in place to carry out a law passed and overwhelmingly supported. The public is paying attention. Prior to this hearing, just 21 online comments have been submitted for all appointments this session. For these appointments, there were 208 public comments, 199 in opposition. That's nearly ten times the engagement we've seen for any other appointments. The people of Nebraska-- our voters, our constituents-- are telling us clearly this

is not the right person for this role. The effectiveness of the Medical Cannabis Commission depends on thoughtful, balanced, and evidence-based leadership. Appointing individuals who have demonstrated hostility toward medical cannabis risks marginalizing patients, stalling implementation, and betraying the will of the people. While I respect Ms. Muetting's work in other areas, I do not believe she can approach this commission's responsibilities with the impartiality and respect for voter intent that the role demands. The second point I'd like to make about why I'm not in favor of her appointment comes down to something I, I believe Senator Storm and actually Senator Storer said-- and I agree with them on these points. It has to do with the lack of knowledge or experience in medical cannabis industry. I agree with them that we do-- and it is appropriate to have somebody in the medical indus-- you know, industry be as a part of this commission. That has to do with the dispensing, that has to do with the prescription, that has to do with the application of it. And so he makes a good point. However, that hinges on who the other person is. And this comes down to what Senator Storer said: qualifications matter. So you have somebody with a medical background on one side, you have someone with the industrial-- or, industry background on the other side. This is something I sorely think Ms. Muetting is lacking. We should have somebody who understands the industry, the harvesting, the dispensing, the cultivating, who knows the seed-to-sale tracking system, who understands a PDMP, who understands the regulations around how do we control the quality of what we're giving patients-- because that's exactly what a big part of the medical cannabis program is about. It's about quality. Just like we said with prescription medications. It really comes down to specifics about what's in the product that they're taking for their medical condition. That is the type of expertise we need as the other person in the Medical Cannabis Commission. If they're gonna take this seriously and get the rules and regulations right and make sure the rollout is efficient and effective, I think that other person needs to be somebody else with that kind of background, and Ms. Muetting does not have that. She has it in maybe addictive factors, but I think we need somebody who has much more different qualifications than just that. And so colleagues, I would urge you to not vote Ms. Muetting. And I understand if she doesn't get the votes the governor could very well reappoint her or appoint somebody else with similar qualifications. But at least we're telling our constituents, if we truly believe the language in the ballot language initiative they-- they're installing their trust in this commission that we are listening to them and we're not putting somebody who has, I think, an extreme amount of bias towards cannabis at all because of her history or putting something like that on the board to ruin this for our

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constituents. I understand we all might as well have bias towards CBD or cannabis, marijuana in some aspect, but let's not punish our constituents. If we really believe the Medical Cannabis Board has to get this right and they're the ones who are going to put the proper rules and regulations in place that instill quality and trust in them in what they're taking, we need to appoint somebody different. And that person has to have the industry experience, along with the other who has the medical experience. I think those two combined make a good team. So I would urge you to vote red on Ms. Muetting's appointment. Let's go back to the drawing board. Hopefully the governor then will-- can, can listen to what we're saying here and how our vote was and think twice about the next appointment. Look at somebody who has much more experience in industry. So. Thank you, colleagues.

DORN: Thank you, Senator Hansen. Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of Ms. Muetting's nomination to the Cannabis Commission. She's a substance counselor with, I believe, 20 years experience. And one of the traits of a good counselor is being able to look at all sides of an issue and to draw from the people that are involved the best outcome and to ask probing questions. And I think her experience with people who've had a problem with substances is helpful. I don't think that's a detriment. I think that's a plus, because she knows how serious it is. Both of these nominees-- and I supported the other one too-- are just going to be part of the process. The Department of Admi-- of Administrative Services and the Attorney General's Office are going to work with these people on this commission to come up with rules that will set up distribution for medical cannabis. But I wouldn't want to put somebody on this committee who supports openly smoking marijuana or recreational marijuana. I, I think that would be a mistake. I want people on there who are going to question what we're doing, why we're doing it, and that they make good decisions. This is the governor's nomination. He-- it's his prerogative to nominate whomever he wants as long as they have qualifications, and I believe that both of these applicants have good qualifications. Senator Andersen mentioned in the executive session-- or maybe it was in the hearing-- that public defenders defend people who've been charged with a crime, and yet they believe in the law. They don't go in there saying, well, I don't believe in the law whether you committed it or not. I have a bias, and you can't be found guilty. These people go into this with their life experience behind them. And they're gonna make decisions moving forward. And if they don't do a good job, the governor will not reappoint them or he'll ask them to resign and they'll, they'll move

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on. I'm sure there will be some grinding of gears and gnashing of teeth through this process because we've never done this before and there are motivated proponents and opponents to medical marijuana and, for that matter, recreational marijuana. So again, I think approving this nomination is the best way to move forward. I want somebody who's going to come into it with a skeptical view of things. And through the process, they'll all come together and make good decisions. We had a problem in Columbus for 75 years. We never built a viaduct. We could never agree where it was going to be and whose backyard it was going to be and who was going to pay for it. And, and it was, it was an ongoing political joke. And so when I decided we were going to tackle that-- as I was mayor back then-- I put a lot of people on that commission that were dead set against viaducts. A couple of them had people in the cemetery that was going to be covered or shaded by one of the viaducts. A couple of them lived on the south side and they just didn't want viaducts. And in the end, they all came together and came out with a great decision. And I think that's the same situation here. You want people are going to be-- that are going to be intelligent, knowledgeable, experienced, and can make good decisions, and-- and then they're going to question whether they're doing the right thing. I think that's the most important thing. If I have any time left, I would yield it to Senator Storm.

DORN: Senator Storm, you're yielded 42 seconds.

STORM: Thank you, Mr. President. Yeah, I'll, I'll talk more later. But when, when Senator Hansen says she has no experience in this industry, that's laughable to me. She's-- has extensive experience in Iowa regulating and help mo-- regulate their medical marijuana industry over there. So-- I mean, she is the driving force, and that's why it's so key that she's on this. And a doctor. She knows what works in Iowa. She knows what doesn't work in Iowa. If you're a pro-recreational marijuana guy, you aren't gonna want to hear that. If you're a pro-medical marijuana guy that wants it implemented in a state where it's going to be sound--

DORN: Time. Thank you, Senator Storm and Senator Moser. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. I rise in support of Mrs. Mueting for appointment to the commission. And from my perspective, looking at a government-- a governor's nominee, it's his commission. He should get the right to pick who's going to be on the, the commission. And I think that the only thing we should be doing is making sure that there aren't any reasons that this person cannot fulfill the duties. I think if you

look at both of these, these-- both nominees, that doesn't exist. They both are si-- are different. They have different world experiences, different work backgrounds, but they both have been involved in, in dealing with cannabis in some different ways. So I think they're a great team coming together. If you look at Ms. Mueting, her substance misuse prevention history, 24 years experience in the prevention field. I did think it was interesting listening to Senator John Cavanaugh and Senator Hansen, where Senator Cavanaugh said, well, you know, manufacturing, distribution, and sale, she doesn't have experience in that. And then Senator Hansen says, well, she's not a doctor and, and she should've had more marijuana-- or, more medical experience. So they kind of really offset each other and saying the exact opposite things of why they think she's not, she's not qualified. When she was asked about the manufacturing, distribution, and sale portion during the hearing, Senator Cavanaugh said that she, she didn't have a good answer. What I would say as one of the, the, the committee members is I thought that she was thoughtful and she was deliberate. And she even said that some of these issues as a five-person commission, five-person board, it's not an arbitrary decision by her. It should be her in conjunction and in collaboration with the rest of the board members. So where he may think she was lacking I thought she was thoughtful and deliberate in her response. And along that lines, I'd like to read portions of a letter from her supervisor, Mr. Dale Woolery. He was going to appear before the commission-- or, the committee, but he was unable to due a-- due to a family obligation. So the letter he submitted to Chairman Holdcroft, it says, I strongly support Governor Pillen's selection of Lorelle Mueting to serve on the Nebraska Medical Cannabis Commission and appeal to you to confirm her appointment. So this is a guy that knows her and knows her work ethic and everything else. And this is what he had to say. I had the privilege of working with Lorelle on numerous cannabis and other drug policy matters in Iowa. I write to you today not to engage in Nebraska's cannabis policy debate but rather to share my experience based on observations of Lorelle's professional capabilities in this area. Lorelle is a trusted behavioral health advocate who passionately promotes community-level public health and balance with public safety. She listens, collaborates, does her homework to develop fact-based policies for delivering quality service while also preventing substance misuse and other unintended consequences. So again, she's very deliberate, very thorough. He continues, I always welcome Lorelle's voice to the table. Her questions, suggestions, and constructive challenges were based in science and contributed to better outcomes. I'm confident many Iowa policymakers and members of Iowa's medical cannabinoid advisory board feel similarly. In his closing, he says, thank you, thank you sincerely

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for your consideration of Lorelle's appointment. I think that speaks volumes from a guy that's known her for a considerable amount of time, worked with her professionally. Great testimony. And one of the observations I'd say is, both at the hearing and even today, there have been a number of different opponents to her appointment. But it's interesting to me that the people that are, are most opposed to her appointment are the people that are the greatest proponents of recreational marijuana. She's deliberate. She's-- she understands what she needs to do. This is a big step for the state of Nebraska. She wants to make sure that they step out smartly, step out safely and accurately for the people of Nebraska. And as people that opposed-- if you look at all the people that opposed her during the hearing, they all want recreational-- recreational marijuana. So it really kind of questions the motivation of why people are opposing her appointment. Thank you, Mr. President.

DORN: Thank you, Senator Andersen. Senator DeKay, you're recognized to speak.

DeKAY: Thank you, Mr. President. I would yield my time to Senator Holdcroft, Chairman of the General Affairs Committee.

DORN: Senator Holdcroft, you're yielded 4:50.

HOLDCROFT: Thank you very much, Mr. President. I have to push back on a couple things that Senator Hansen has said about Ms. Mueting. I'm not sure what hearing he was watching, but I never heard her say anything negative about the Nebraska medical cannabis program. In fact, I have her testimony in front of me, and I'd like to just read from a few portions of it. She said, as the prevention director, I, I oversee all programs we provide in community related to substance abu-- misuse and problem gambling prevention. I have been a prevention specialist for 24 years and am passionate about working with people to help them make choices that protect things they value. My goal in working in prevention is to prevent people from having problems with alcohol and other substances and prevent them from losing things that are important to them. Further, she said, I have looked at the topic of medical cannabis from a 360-degree view because I think it's important to look at this issue from all sides and take in different perspectives. The Nebraska medical cannabis program is intended for Nebraskans who have debilitating health conditions. Helping to guide the rulemaking process around the needs of the people it's intended to serve is my goal. There's nothing about that goal that says we need to sacrifice public health and safety to attain it. I am a solution-focused individual who has a long history of collaboration with many different individuals and

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sectors of the community. Every perspective is important. And by working together with individuals with different perspectives, we can achieve much more by collaborating to solve problems and issues than by only working from one perspective. I feel I have the experience, knowledge, and collaboration skills necessary to assist the Nebraska Medical Cannabis Commission in its mission as outlined in Referem-- Referendums 437 and 438. I would like to thank Governor Pillen for his nomination and you all on the General Affairs Committee for your support in my nomination. So I, I don't-- I, I sure don't hear anything in that statement about how she's opposed to the Nebraska cannabis program. In fact, it, it sounds to me like she, she really wants to work to, to do what's best for the people of Nebraska who need this, this, this cannabis for their depila-- debilitating ailments. Second thing-- second-- Senator Hansen emphasized-- it may have been Senator Cavanaugh. I get them confused. But was talking about how the second person should-- we have a doctor for one. We should have somebody who has experience in the, in the medical cannabis industry. There's nobody in Nebraska that has experience with the medical cannabis industry. So I, I assume he's-- he wants someone from Missouri to come up here and fill on the Nebraska Cannabis Board, because that's the only place you're going to get that kind of experience. That's what LB677 was, was, was patterned off of, was the program in Missouri. And I would remind people that the program in Missouri went from medical cannabis to recreational "cabbanis" in three years. So again, we need to start off tight, I believe, on our program in Nebraska. And if it comes to expansion later, then so be it. I would also like to read from-- a, a quote from a statement-- and I'll probably run out of time, but I think it's worth the read-- from an individual who works with Lorelle. Her name's Maggie Ballard. And she i-- she said, I am test-- I am to testify in support of my good friend and colleague, Lorelle Mueting, being app-- appointed to the Nebraska Medical Cannabis Commission. Lorelle has shared a bit about Heartland Family Services, which Senator Cavanaugh can-- correct me if I'm wrong, but I believe that we are the largest nonprofit organization in his district. I have been with the agency for 13 years. And I have been on our prevention team with Lorelle for 11 of those years. I think it's important to bring up that, that, in the important work that legislators do, the focus must be on the issues and not the people pushing or pulling them. The fact that there is an overflow room for the number of people that are in opposition for Lorelle being confirmed, that honestly hurts my heart. Not just because I have a lot of similar views and experience as Lorelle-- and I know that if I was in her shoes, they-- that's your time? That's my time? OK.

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DORN: Thank you, Senator Holdcroft and Senator DeKay. Senator Storm, you're recognized to speak.

STORM: Thank you, Mr. President. Yeah, I'm gonna read my prepared statement here and then add a few more things. Lorelle Mueting has been a prevention specialist for 24 years and is currently the prevention director at Heartland Family Service. At Heartland Family Service, she oversees all the programs that provide in the community related to substance misuse and problem gambling prevention. She works in the schools with students by providing evidence-based programs to prevent young people from having problems with alcohol and other drugs. She also works in the community, providing awareness and education around substances to help community members decrease stigma related to addiction and promote treatment and recovery. During her work as a prevention specialist, she gained valuable, extensive experience working with the Iowa policymakers on issues such as medical marijuana. She has first-hand knowledge of Iowa's medical marijuana program and understands what works and what doesn't. During the hearing, Lorelle stated her goal on the Medical Cannabis Commission would be helping to guide the rulemaking process around the needs of the people it's intended to serve. And that's what-- when I keep hearing that she has no experience, I don't know how we're going to find a better person in the state than her to help implement this program. Like Senator Holdcroft said, if you're into recreational marijuana, you want somebody from Missouri to move up here and set up a program so that we can quickly take this to, to recreational marijuana. If you want someone who truly is going to do the will of the people-- which is medical marijuana-- you want Lorelle Mueting with Dr. Monica Oldenburg as a doctor. And that's a, that's a great team for this program. But what I said, this comes down to recreational versus medical. That's what it's been from the, from the very beginning. And so I, I honestly don't know of two better people to, to be on this board. And so-- with that, I yield my time. Thank you, Mr. President.

DORN: Thank you, Senator Storm. Senator Lonowski, you're recognized to speak.

LONOWSKI: Question.

DORN: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 22 ayes, 7 nays to place the hou-- to cease debate, Mr. President.

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DORN: Senator Rountree, you're recognized to speak.

ROUNTREE: Good evening. Thank you, Mr. President. Good evening, colleagues. I just rise also today in opposition of both appointments. One has already been approved. No questions about what their qualifications may be and their professional capacities. But for Ms. Mueting, Ms. Mueting wasn't able to tell me how she was-- how she came about to be appointed, the appointment process, the application process. And so my pointed question-- a lot of the things that I wanted to say have already been said-- and I won't go over those again-- but the most critical point for me was how she could be impartial and look out for the benefit and the well-being of those that have need while serving on this board. Even through all of the discussion in the room, I still feel that she's not able to be impartial on that, so my vote would be no continuously for both of those appointees. Thank you, Mr. President. Yes. Thank you, Mr. President.

DORN: Thank you, Senator Rountree. Senator Kauth, you're recognized to speak.

KAUTH: Question.

DORN: The question has been called, do I see five hands? I do. 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: 36 ayes, 1 nay to place the house under call.

DORN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Storer, Senator Juarez, please return to the Chamber. The house is under call. All members are present. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 11 nays to cease debate, Mr. President.

DORN: Debate does cease. Senator Holdcroft, you're recognized to close.

HOLDCROFT: Thank you, Mr. President. Colleagues, Lorelle Mueting currently serves as the prevention director at Heartland Family Service. She brings with her 24 years of dedicated experience in the field of substance use prevention. Ms. Mueting is widely respected as a behavioral health advocate with a strong record of promoting public

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health issues while thoughtfully balancing public health goals with public safety considerations. Ms. Mueting's extensive background in prevention and behavioral health will bring a valuable perspective to the commission. Her experience and insights will enrich the commission's discussions and be instrumental as the state moves forward with the effective regulation of medical cannabis. And I encourage your green vote on the committee report. Thank you, Mr. President.

DORN: Thank you, Senator Holdcroft. Colleagues, the question before the body is the ad-- adoption of the General Affairs Committee report on the nomination. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 27 ayes, 16 nays on adoption of the confirmation report, Mr. President.

DORN: The nomination is advanced. Mr. Clerk for items.

CLERK: Mr. President, new LR: LR280 and LR281-- LR280 from the Agriculture Committee, LR281 from the Business and Labor Committee. Those will both be referred to the Executive Board. That's all I have at this time.

DORN: Speaker Arch for an announcement.

ARCH: Thank you, Mr. President. As many of you already know, my scheduling of the 90th day the week following the 89th day is the Legislature's safeguard against any pocket vetoes from the governor. With the current calendar, it's always been my intention to finish the Final Reading of all bills for the session on day 89. The 90th day was intended to be a day reserved for any motions to override gubernatorial vetoes on the bills read prior to and on the 89th day. In talks with the governor and his staff, I have assurances that all of the bills that he intends to veto will be returned to us on Monday prior to adjournment, including the three bills that we will read on Final that day. With that commitment, there will be no pocket vetoes, and I am announcing Monday will be the final day of the 109th Legislature, First Session. Although finishing on Monday has been my hope for the last few days, I waited to make this announcement until it was confirmed. The schedule for Monday will be a 10 a.m. start time. We will take an hour lunch-- I know. It's all good news. The schedule for Monday will be a 10 a.m. start time. We will take an hour lunch break from noon to 1 and then finish mid-afternoon to late afternoon, dependent upon the number of vetoes we receive and then the number of override motions taken up. Monday's agenda will include the Final Reading of the three bills we

Transcript Prepared by Clerk of the Legislature Transcribers Office
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debated yesterday, followed by any motions to override the, the gubernatorial vetoes we receive on Monday. After that, we will conclude the day with our closing ceremonies. Those include remarks by the governor and closing comments from me, along with the adoption of some procedural sine die motions prior to our final motion of the session to adjourn sine die. With that, have a good weekend. Get some rest prior to our final day of this year's session.

DORN: Raise the call. Mr. Clerk for items.

CLERK: Mr. President, Senator Ibach would move to adjourn the body until Mon-- Monday, June 2 at 10:00 a.m.

DORN: You've heard the motion, colleagues. All those in favor say aye. Opposed, nay. We are adjourned.