

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 6, 2026

Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-second day of the One Hundred Ninth Legislature, Second Session. Our chaplain for today is Father Ryan Lewis of Omaha, a guest of Senator Armendariz. Please rise.

RYAN LEWIS: Thank you, Mr. President. Loving and merciful God, this esteemed legislative body convenes this morning for the important work of governance of this, our great state. Still in the first year of his pontificate, our beloved Pope Leo XIV has already articulated a vision of public service, rooted in Christian faith, moral responsibility, and a commitment to the common good, specifically urging politicians to act with integrity in secular societies. He views politics as the highest form of charity when it is focused on serving others, particularly the weak and the vulnerable. With this in mind, please, Lord, bless our state. Bless our Chief Executive, Governor Pillen, and bless these, our citizen legislators. May they legislate and give counsel aided always by your prudence and wisdom, compassion and understanding, justice and mercy, and, above all, your love. May they serve well those they represent and the state as a whole. Bless their families. Help them this day and throughout their public service to work always for the common good. May it be so. Amen.

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

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

KELLY: I call to order the twenty-second day of the One Hundred Ninth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there messages, reports, or announcements?

CLERK: There are, Mr. President, notice of committee hearings from the Education Committee, as well as amendments to be printed from Senator

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Lippincott, and a communication: bills were presented to the Governor, LB258, LB60, LB207, LB212, LB384, and LB518 were presented to the Governor on February 5, 2026 at 11:51 a.m. And a report of registered lobbyists for February 5 of 2026 can be found in today's Journal, as well as agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Conrad would like to recognize some guests in the north balcony. They are dental hygiene students from the UNMC College of Dentistry. Please stand and be recognized by the Nebraska Legislature. Please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda, committee report from the Revenue Committee reporting favorably on the gubernatorial appointment of James Kuhn to the Nebraska Equalization-- Tax Equalization and Review Commission.

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

von GILLERN: Thank you, Mr. President. I rise this morning to share the appointment of James Kuhn to the Tax Equalization and Review Commission. Commissioner Kuhn is a lifelong Nebraska resident. He's previously served in the Nebraska Army National Guard. He earned his real estate appraisers license in 2009 and served as head county appraiser for Adams County Assessor's Office prior to his appointment as commissioner. Commissioner Kuhn was first appointed to the Commission on September 1, 2017 and was reappointed to the Commission for a full 6-year term on January 1, 2020. He's currently served approximately 8.5 years. Commissioner Kuhn's appointment hearing was held on February 4, 2026 with no opposing testimony. The appointment was voted out of committee on an 8-0 vote. There was only one letter submitted in opposition, which spoke to the general issues of valuations and the valuation system in Nebraska, but did not speak negatively in any way about Commissioner Kuhn. I would ask for your green vote on the committee report regarding Commissioner Kuhn. Thank you, Mr. President.

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

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

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

CLERK: Mr. President, the Natural Resources Committee report favorably on the gubernatorial appointment of Kevin Peterson to the Environmental Quality Council.

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

BRANDT: Thank you, Mr. President. Good morning, colleagues. On behalf of the Natural Resources Committee, today I offer for your consideration the nomination of Kevin Peterson to the Environmental Control-- Quality Council for a term from June of 2025 to June of 2029. The Environmental Quality Council is a 17-member public body appointed by the Governor to represent specific interests and adopt regulations that are then administered by the Department of Water, Energy, and Environment. The Natural Resources Committee had a public hearing on February 4, 2026, where Mr. Peterson appeared in person and answered the committee's questions. Mr. Peterson lives in Osceola, Nebraska and is a farmer. Mr. Peterson represents the agriculture, active, and crop production on the Council role. I ask for your green vote for the confirmation of Mr. Peterson to the Environmental Quality Council.

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

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

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

CLERK: Mr. President, the Natural Resources Committee would report favorably on the appointment of Jessica Kolterman to the Environmental Quality Council.

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

BRANDT: Thank you, Mr. President. Good morning, colleagues. On behalf of the Natural Resources Committee, today I offer for your consideration the nomination of Jessica Kolterman to the Environmental

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Quality Council for a term from June 2025 to June 2029. The Environmental Quality Council is a 17-member public body appointed by the Governor to represent specific interests and adopt regulations that are then administered by DWEE. The Natural Resources Committee had a public hearing on February 4, 2026, where Ms. Kolterman appeared in person and answered the committee's questions. Ms. Kolterman lives in Seward and is the Director of Administration for Lincoln Premium Poultry. She has served 4 years on the Council and represents the food products manufacturing position on the Council. I ask for your green vote on the confirmation of Ms. Kolterman to the Environmental Quality Council.

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

CLERK: 32 ayes, 2 nays on adoption of the report.

KELLY: The report is adopted. Mr. Clerk.

CLERK: Mr. President, the Natural Resources Committee would report favorably on the appointment of Lance Hedquist to the Environmental Quality Council.

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

BRANDT: Thank you, Mr. President. Good morning, colleagues. On behalf of the Natural Resources Committee, today I offer for your consideration the nomination of Lance Hedquist to the Environmental Quality Council for a term from June 2025 to June of 2029. The Environmental Quality Council is a 17-member public body appointed by the Governor to represent specific interests and adopt regulations that are then administered by the Department of Water, Energy, and Environment. The Natural Resources Committee had a public hearing on February 4, 2026, where Mr. Hedquist appeared in person and answered the committee's questions. Mr. Hedquist lives in South Sioux City, Nebraska, where he is the city administrator. Mr. Hedquist represents the municipality's position on the council. I ask for your green vote on the confirmation of Mr. Hedquist to the Environmental Quality Council.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue, you're recognized to waive-- to close and waive closing. Members, the

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question is the adoption of the committee report from Natural Resources. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

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

CLERK: Mr. President, next item on the agenda. General File, LB365A, introduced by Senator Quick. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of provisions of LB365. The bill was read for the first time on February 4 of this year and placed directly on General File.

KELLY: Senator Quick, you are recognized to open.

QUICK: Thank you, Mr. President, and good morning, colleagues. So I did get the fiscal note back on, on my bill, LB365, which the LB365 would be a bill that would [MALFUNCTION] blood pressure monitors and data reporting to a provider for women who are pregnant with prenatal and postnatal care. And this would be for Medicaid patients, strictly. And so the fiscal note, and I'll talk a little bit about it, the first year would be \$9,000, about \$9,600. The next 2 years it was a little over \$19,000 each year. I've had conversations with the Speaker about this bill to see, you know, I know with our budget shortfall and the, the, the prospect that we may not have any, any money, but with our conversations we talked about at least getting it-- having the A bill follow the bill itself, and then if there is no money after we have the budget hearings, or the budget debate, then this bill probably won't come back on, on the agenda. But at this time I would, I would like to have your vote to at least have the A bill stay with the bill, and if there is money for the floor at the end, this is such a small fiscal note, I think it would be possible, and it would help so many women across our state to make sure that they're provided with safe health care for when they're delivering-- when they're having their babies. A lot of women face issues with preeclampsia, and there could be-- if they're-- if we can have that reporting ahead, ahead of time that this may be happening then a doctor can actually help them along the way so maybe they won't have a, a bad outcome when they have their, when they have their baby, so. I would encourage your green vote on this and, like I say, at the end if there is no money then this bill probably won't come back but I would like to get it on the-- pass it on and keep it up with the bill. Thank you, Mr. President.

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KELLY: Thank you, Senator Quick. Seeing no one else in the queue, you're recognized to close and waive closing. Members, the question is the advancement of LB365 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB365A is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, pursuant to the Speaker's request, LB548 will be passed over.

KELLY: So ordered.

CLERK: In that case, Mr. President, Select File, LB538, first of all, Senator, there are E&R amendments.

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

GUERECA: Mr. President, I move that the E&R amendments to LB538 be adopted.

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

CLERK: Mr. President, Senator Hardin would move to amend with AM1972.

KELLY: Senator Hardin, you are recognized to open.

HARDIN: Thank you, Mr. President. AM1972 incorporates changes requested by the university system. It removes requirements on the duties of the coordinator and from the university system should help with the fiscal note. More on that later. It also limits the reporting to only official complaints and removes any reporting requirements for incidences. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Mr. Clerk.

CLERK: Mr. President, Senator Hardin would move to amend the amendment with FA955.

KELLY: Senator Hardin, you're recognized open on your floor amendment.

HARDIN: Thank you, Mr. President. This FA strikes subsection (3) of Section 5, which is the investigation reporting requirements and the

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coordinator, which further addresses concerns of a fiscal note. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Moving to the queue, Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. I just have a couple of questions for Senator Hardin on the fiscal note.

KELLY: Senator Hardin, would you yield to questions?

HARDIN: Certainly.

RAYBOULD: Thank you, Senator Hardin. I, I didn't hear what you said about the fiscal note. Could you please review that again and what is the actual dollar amount with the revisions?

HARDIN: The actual dollar amount is \$254,000 and some odd cents. And the fiscal note that I just introduced a moment ago, FA955, struck that section killing that fiscal note and the A bill forthcoming.

RAYBOULD: OK, so just-- so that I understand it correctly so that the, the A, the A bill that is forthcoming will be zeroed out, correct?

HARDIN: That is correct. And if you look at the details with a microscope on that A bill and the fiscal note itself, it's basically buying a lawyer. The plan does not need a lawyer.

RAYBOULD: Oh.

HARDIN: And so no lawyer will be purchased.

RAYBOULD: OK. But if, if a lawyer needs to be purchased, who would be the responsible party for paying for that lawyer?

HARDIN: The whole point of all of this is that this simply places an emphasis within the Title VI apparatus, machinery that's already all there. So the fiscal note was never necessary in the first place.

RAYBOULD: OK, so the fiscal note will be zero.

HARDIN: The fiscal note will be null and void.

RAYBOULD: OK, thank you so much.

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KELLY: Thank you, Senators. Senator Machaela Cavanaugh, you're recognized to open-- to speak.

M. CAVANAUGH: Thank you, Mr. President. Just trying to catch up on the fiscal note as well. And I guess, would Senator Hardin yield to a question?

KELLY: Senator Hardin, would you yield to a question?

M. CAVANAUGH: Yes.

M. CAVANAUGH: Thank you. I was questioning about asking you to yield to a question. Sorry, I presented that as my own question. OK, so how did you determine that an attorney would not be necessary?

HARDIN: Other states are accomplishing the same thing without it.

M. CAVANAUGH: OK. And did you talk to NDE and are they in agreement that an attorney would not be necessary?

HARDIN: We have talked with NDE. We've also talked with the university system. And in a nutshell, they're thinking that, yes, it would-- that it would need it. And we have a disagreement on that. And in a nutshell, that's why we've taken the steps that we have to simply remove the ask for the fiscal note.

M. CAVANAUGH: Sorry, so what-- how exactly are we removing the fiscal note if they are saying that they're going to need it?

HARDIN: Because, in a nutshell, this is a, a mere unfolding of this information, this is not an entirely new program.

M. CAVANAUGH: But-- I'm sorry, what does the amendment actually do?

HARDIN: The amendment basically strikes-- as I read a moment ago, the FA strikes subsection (3) of Section 5, which is the investigation and reporting requirements on the coordinator which further addresses concerns for the fiscal note.

M. CAVANAUGH: OK, so there's no longer an investigator coordinator. Am I understanding that?

HARDIN: That is correct.

M. CAVANAUGH: OK, but the fiscal note is not entirely about an investigator coordinator it's also about an attorney?

HARDIN: That's correct.

M. CAVANAUGH: So are we only eliminating, then, 50% of the fiscal note?

HARDIN: No, all of it. That's what those sections get rid of.

M. CAVANAUGH: It gets rid of--

HARDIN: That's the point is that that whole fiscal note was an invention on the part of the education system to create a loop.

M. CAVANAUGH: To create a what?

HARDIN: To basically create a ruse that's not needed.

M. CAVANAUGH: To create a ruse. And how did we determine that it's not needed if they're saying that it is needed? What are--

HARDIN: Because 37 other states and 47 countries have already determined that this IHRA definition, as determined by the Jewish community across the globe, across many years where there have been no lawsuits over this issue, have all determined that is the definition they want. And given the fact that there haven't been any significant legal challenges of any kind to this over many years, this is what they are after and our version of it is LB538.

M. CAVANAUGH: So what happens if there is a lawsuit?

HARDIN: Well, I guess we could say that on everything. But the fact is that there hasn't been a lawsuit, and the fact is that the Title VI requirements based in the federal statutes would back that.

M. CAVANAUGH: OK.

HARDIN: We could always throw out the what ifs in life.

M. CAVANAUGH: Well, yes, we could-- we can, we can always say that, but the fact that they think that they need an attorney, I'm asking if there is a lawsuit because they think they need an attorney, then what?

HARDIN: Well, I'm also told that they are divided amongst themselves in this very matter and just got a text to that effect a moment ago. So they are not unified in what you're asking about.

M. CAVANAUGH: The university is or the Department of Education?

HARDIN: The Department of Education.

M. CAVANAUGH: Is divided amongst themselves.

HARDIN: Correct.

M. CAVANAUGH: Meaning the board or the director is divided amongst himself?

HARDIN: Just got a text and that's what they are saying, so we're moving forward with FA955.

M. CAVANAUGH: OK, I appreciate you answering my questions, sort of. I think I'm more confused now, but thank you.

KELLY: Senator-- thank you, Senator Cavanaugh. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. Sorry, this has just been brought to my attention. I believe in this, and I will maybe have-- ask Senator Hardin to answer this. In this bill, we're requiring our teachers and students to understand harassment training. And so I think we need to take the students' piece out, leave it for our staff to get that training. And maybe, Senator Hardin, can you answer that if-- and I-- my phone is not doing well with pulling up this bill. So I believe there's an "and students" in there. Senator Hardin, I guess, will you answer a question?

KELLY: Senator Hardin, would you yield to a question?

HARDIN: I will, but I'm going to need Senator Hughes to repeat the question as I had another conversation going in one ear.

HUGHES: Yeah, OK, sorry. And I'm just pulling this up now. The training required is to teach, like, at our school-- public K-12 schools, about not-- you know, anti-harassment policies according to, you know, discrimination, antisemitism, race, gender, all the anti-- you know, we don't want or watch for harassment. But I think it says that we have to teach students and staff. Is, is the word students in there to train? Because I'm not sure how you teach kindergartners anti-harassment policies, I guess, is my question.

HARDIN: No, the emphasis there is on staff.

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HUGHES: OK. Is there the word students in this bill? And I'm sorry I should have found it myself, but I've been-- it was brought to my attention that it is. And I guess maybe the question is offline. If it is in there, can we scratch the students and just leave it for staff? Because all our staff absolutely need training on anti-harassment. But I don't think we need to extend that to students if students is in there. And maybe we need to take this offline, which is fine.

HARDIN: Well, the training is just the same as what else schools do for similar things--

HUGHES: Right.

HARDIN: --within Title VI, so.

HUGHES: But I think there's a worry that the word students is in here and it will now make our schools apply it to students. Maybe let's-- we're going to talk, talk about this on the mic and we will pull off and look at the, look at the bill and just make sure. Thank you, Mr. President.

KELLY: Thank you, Senators Hughes and Hardin. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. And I apologize, Senator Hardin, I'm still hung up on the fiscal note. I just pulled it up again from yesterday, and it still has, in its entirety, the amount of-- in the amount of \$254,000. So is it because of-- and I guess, would Senator Hardin yield to a question? Thank you.

KELLY: Senator Hardin, would you yield to a question?

HARDIN: Yes.

RAYBOULD: OK. And I'm perplexed because the fiscal note from yesterday still shows the fiscal note of \$248,000. And I guess the question was did the amendment that you were talking about have a chance to be reviewed by Fiscal yet?

HARDIN: No, it did not.

RAYBOULD: No. And, then, do you happen to know what is the process-- if we can move forward with the legislative bill but hold off on approving the fiscal note, do you happen to know the process?

HARDIN: I'm sorry, Mr. President, could I have a gavel? I'm having a difficult time hearing Senator Raybould.

RAYBOULD: So my question, Senator Hardin, I'm not familiar with the process. If we move forward with the legislative bill, but can we pass over the A bill at the present moment until we've had a revision to the A bill based on the amendment that you provided? Because the A bill, pardon me, the A bill as it currently stands at this moment in is still listing \$248,000, and I am not familiar with the process of can we pass over the A bill until we get a revised A bill? If we're going to vote on the A bill, are we voting on what is currently up there? And so that's, that's why I have reservations and I'm hoping you might know the answer.

HARDIN: What I do know is that Coordinator Baumgartner, who is the higher education coordinator of K-12 in Nebraska, just weighed in, and he does not see any need for that fiscal note.

RAYBOULD: So, then, can I ask you another question? So we don't even need to vote on that?

HARDIN: The A bill?

RAYBOULD: Yes.

HARDIN: We don't even need it. Do we need FA955? Yes, we do, because it strikes that portion from--

RAYBOULD: OK.

HARDIN: Yeah.

RAYBOULD: And, then, so because the A bill is up next and so then we-- that can just go away completely, correct? We don't have to vote on it, right? We don't even have to take it up

HARDIN: We do have to vote on FA955.

RAYBOULD: Yes.

HARDIN: But the A bill, that is correct. We don't have to go vote on the A bill at all. We can go bowling.

RAYBOULD: OK, so I guess when it comes up we might have this conversation again or I don't know if you have to go through a formal

motion to withdraw the A bill, I'm not familiar with it, but I know the experts are up on the dais so I'm sure they can figure that one out. Thank you very much.

HARDIN: They're 20 feet from me and I believe they will fill me in.

RAYBOULD: OK. Thank you.

HARDIN: Thank you.

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

HARDIN: Again, this is not a new thing, the Jewish communities of the world-- and just to put this in a context for you, when we say Jewish communities, they're like our own communities, wherever we may be from, whatever racial heritage you may come from, there's a wide variety of feelings, notions, and within the Jewish community worldwide there are those that are more liberal and there are those that were more conservative and over a period of many years they work together to say what is antisemitism? What is that? How do we define that? And so they came up with this measuring stick and they said unfortunately the pinnacle event that defines antisemitism is the Holocaust. And that's when the International Holocaust Remembrance Alliance put forth the definition we're discussing today. That's what started what is now 47 countries, 37 states either through EO or statute have adopted what the Jewish community refers to as its measuring stick for what antisemitism is. 2023, Governor Pillen signed the EO for Nebraska so we're already considered one of those 37 states. We're taking the step of enacting into statute, that action then, and what all of these other states have done. And so moving forward in the fiscal note, and I appreciate the questions on it, because here we are discussing all kinds of things related to money. And we're trying to balance the public's checkbook. And in the process of doing that, we got into a discussion of a quarter of a million dollars about whether or not a position was needed. And the fact is that there's something far weightier here than whether or not we need to hire an attorney. I get it, you don't want to pass something that does not have some means of communicating what is required by law, but what has been demonstrated over and over again and most recently here by Coordinator Baumgartner is that that judgment call from Fiscal on that that being needed is not something that's needed and that's from the very organization that we're asking questions about. So that's why we brought FA955, just to simply strike that section from the bill,

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saying we don't need to do anything that triggers that. We're going after the definition of the IHRA. Thank you, Mr. President.

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

SANDERS: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB538. It was introduced by Senator Hardin and I'm honored to carry it as my priority bill. Every Nebraska student deserves a safe learning environment free from discrimination, including antisemitism. LB538 does three straightforward things: One, uses the International Holocaust Remembrance Alliance working definition to clearly identify antisemitism. Two, require schools and public secondary institutions to include protections against antisemitism in their anti-description policies. And, three, ensures accountability through designated Title V-- VI, a coordinator to review reports and oversee correction action. The bill does not restrict free speech, it just sets clear expectations and reinforces equal protection so students can focus on learning, not fear. Thank you, and I ask you for your green vote, vote on FA955, AM1972, and LB538. Thank you, Mr. President.

KELLY: Thank you, Senator Sanders. Seeing no one else in the queue, Senator Hardin, you're recognized to close and waive closing. Senators, the question is the adoption of FA955. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: FA955 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hunt would move to amend with AM2009.

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

HUNT: Thank you, Mr. President. Good morning, colleagues. I might need to take a couple of times to kind of explain this amendment and the impetus behind it. I definitely agree with Senator Hardin that antisemitism is real and rising. I thank Senator Sanders for prioritizing this bill. And I, obviously, believe that Jewish Nebraskans deserve protection and safety. And, to me, the question isn't whether we fight antisemitism, we definitely need to do that, it's whether we adopt a definition that does that clearly without undermining free speech for Nebraskans. I distributed a handout to all of you about the Jerusalem Declaration on Antisemitism. The Jerusalem

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Declaration offers a much more precise definition of antisemitism and clearer guidance. And it protects Jewish communities while also protecting the constitutional right to criticize governments, including Israel, the United States, China, Russia, or any other nation at all. And I think the question that we need to focus on as we have this debate, since this bill is moving along and I want to make sure that what we're putting in statute is something that's workable and doesn't have a constitutional problem with it potentially, is how do we fight antisemitism without undermining the First Amendment? This definition was brought to me by a constituent, Sharon Conlon [PHONETIC], she's a watcher of the Legislature and I've known her for many years. I think a lot of you might know her too. And she suggested this definition: she said because the IHRA definition, which is the one that Senator Hardin currently has in the bill, is unclear in key respects and widely open to different interpretations, it has caused confusion and generated controversy, hence weakening the fight against antisemitism. Noting that it calls itself a working definition, we have sought to improve on it by offering a clearer core definition and a coherent set of guidelines. She said not knowing what you might propose on this bill, I'd like you to consider the Jerusalem Declaration on Antisemitism. I heard a bill in Massachusetts was amended in the past that uses this example that does not use the IHRA definition. We all agree we don't want antisemitism, she says. It's the IHRA examples that you know are the divisive culprit not allowing criticism of Israel and limiting political speech. The Jerusalem Declaration of Antisemitism guidelines provide clear guidance to identify and fight antisemitism while protecting free expression. So that's what my constituent Sharon reached out to me and shared. And I looked at this with my staff. I talked to some legal experts that we work with and I decided, yeah, I'll shoot my shot and let's file this amendment and we can have a conversation about this alternative definition that does not water down the bill in any way. It does not change Senator Hardin's intention in any way. In fact, I do think it's better because it protects Nebraskans from potential constitutional and free speech issues that could come from the IHRA definition. The JDA-- I'm going to call it the JDA, that's the Jerusalem Declaration on Antisemitism-- the JDA was released in 2021 by over 200 scholars of antisemitism, Holocaust history, Jewish studies, and Middle Eastern studies. And it was written explicitly as a response to the IHRA definition, particularly because that definition that we're currently using blurs the line between antisemitism, which is hatred or discrimination against Jewish people, and political criticism of the state of Israel. And this definition, the JDA, keeps a clear core

definition. Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews or Jewish institutions as Jewish. The reason that I have criticisms of the International Holocaust Remembrance Alliance definition, which is the one that we're currently using in LB538 is-- and I, I spoke about this on the last time that this was up-- is because that definition includes, quote unquote, contemporary examples, and those contemporary examples relate to criticism of Israel. So the problem is that the IHRA's examples are very broad. Very, very, very politically loaded and controversial, very open to interpretation, and that definition has frequently been used around the country in the past several years to chill political speech. Whether someone agrees with the positions of Israel as politically irrelevant to antisemitism, the constitutional question that I think we have as we advance this bill is, is political speech against a nation protected? In the United States, in Nebraska, is political speech is criticism of another country protected speech? Yes, it is. And that's why the IHRA definition used in this bill becomes politically risky. What makes this definition, the JDA, better is that it separates antisemitism from political speech clearly and directly. It clearly defines antisemitism, and it centers that definition of antisemitism toward Jews, not toward a nation. And that gives schools and agencies and courts something that's clean and usable and not muddied or [MALFUNCTION] in any way. This definition also gives explicit guidance on protecting political expression. So it includes guidelines that explicitly state that these things in and of themselves are not antisemitic: criticizing Israeli government policies, supporting Palestinian rights, advocating for constitutional changes to the political structure of Israel and Palestine. This definition clearly states that none of those things should be construed as antisemitism. And that's what the definition currently in LB538 lacks. That clarity that could come from my amendment is what protects Nebraska from potential First Amendment problems. I've already been saying on the floor with regard to other measures that are before us that we should not be casually reopening statutory language in volatile, controversial areas, whether that's abortion, whether that environmentalism, whether that workers' rights, or whether it's antisemitism and free speech. If Nebraska codifies the IHRA definition, including contemporary examples, as currently stands in LB538, we are embedded-- what we're doing if we do that is we're embedding-- we're entrenching controversial, contested political interpretations into state statute. We're creating a potential litigation risk. And I think that we're potentially inviting viewpoint discrimination challenges. And this definition that I've introduced

with AM2009, it's cleaner, it's less vulnerable to constitutional attack, because it avoids criminalizing or chilling criminal viewpoints. I would like to read a little bit from this definition for the record. You all have it in front of you, but for folks watching and for the record and for the press, I want to talk explicitly about what this definition does. From their website, this reads: The Jerusalem Declaration on Antisemitism is a tool to identify, confront, and raise awareness about antisemitism as it manifests in countries around the world today. It cludes-- it includes a detailed guidance for those seeking to recognize antisemitism in order to craft responses. It was developed by a group of scholars in the fields of Holocaust history, Jewish studies, and Middle Eastern studies to meet what has been a growing challenge, providing clear guidance to identify and fight antisemitism while protecting free expression. Initially signed by 210 scholars, it now has around 370 signatories. It reads: We the undersigned present the Jerusalem Declaration on Antisemitism, the product of an initiative that originated in Jerusalem. We include in our number international scholars working in antisemitism studies and related fields, including Jewish, Holocaust, Israel, Palestine, and Middle East studies. The text of the declaration has benefited from consultation with legal scholars and members of civil society. Inspired by the 1948 Universal Declaration on Human Rights, the 1969 Convention on the elimination of all forms of racial discrimination, the 2000 Declaration of the Stockholm International Forum on the Holocaust, and the 2005 United Nations Resolution on Holocaust Remembrance, we hold that while antisemitism has certain distinctive features, the fight against it is inseparable from the overall fight against all forms of racial, ethnic, cultural, religious, and gender discrimination. And I'll finish this on my next time on the mic. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Brandt would like to recognize some guests in the north balcony. They are from the Nebraska Dental Hygienists' Association, and they are hygiene students-- hygienist students from Central Community College in Hastings. Please stand and be recognized by your Nebraska Legislature. Senator Hardin, you are recognized to speak.

HARDIN: Thank you, Mr. President. I appreciate Senator Hunt's desire to see if there's a way to improve the bill. The challenge is that the Jerusalem declaration has never been accepted by a single body of government on the earth. No major Jewish organization has accepted it. There might be 380 individual scholars. I would like to point out all of the individual scholars hiding behind Al Gore and their climate

claims since 2000. And so the problem is that the declaration is not a viable definition and has not been accepted by anyone pertinent to the conversation. Thank you, Mr. President. By the way, the Massachusetts bill that was cited did not go anywhere. Thank you.

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

HUNT: Thank you, Mr. President. I have my staff looking into what you've said, but, yes, it has been accepted by major Jewish organizations, just not your favorite ones. And I know that there's a lot of conservative support for this amendment, so let's keep talking about it and think about what we're really saying with this amendment. This declaration on antisemitism continues: Conscious of the historical persecution of Jews throughout history and of the universal lessons of the Holocaust, and viewing with alarm the reassertion of antisemitism by groups that mobilize hatred and violence in politics, society, and on the Internet, we seek to provide a usable, concise, and historically informed core definition of antisemitism with a set of guidelines. Colleagues, as you listen to me read this or as you read this at your desk, the question you need to ask yourself isn't if Senator Hardin is your best friend and you like his definition and you don't want to hurt his feelings, you need to ask yourself if this definition accomplishes the goals that you share with Senator Hardin for this antisemitism bill. It continues: The Jerusalem declaration on antisemitism responds to the IHRA definition, the document that was adopted by the International Holocaust Remembrance Alliance in 2016. Because the IHRA definition is unclear in key respects and widely open to different interpretations, it has caused confusion and generated controversy, hence weakening the fight against antisemitism. Noting that it calls itself, quote unquote, a working definition, we have sought to improve on it by offering a clearer core definition and a coherent set of guidelines. We hope this will be helpful for monitoring and combating antisemitism as well as for educational purposes. We propose our declaration as an alternative to the IHRA definition. Institutions that have already adopted the IHRA definition can use our text as a tool for interpreting it. The IHRA definition includes 11 examples of antisemitism, 7 of which focus on the state of Israel. While this puts undue emphasis on one arena, there is a widely felt need for clarity on the limits of legitimate political speech and action concerning Zionism, Israel, and Palestine. Our aim is twofold: one, to strengthen the fight against antisemitism by clarifying what it is and how it is manifested; two, to protect a space for an open debate about the vexed question of the future of Israel and Palestine.

We do not all share the same political views and we are not seeking to promote a partisan political agenda. Determining that a controversial view or action is not antisemitic implies neither that we endorse it nor do we not. The guidelines that focus on Israel, Palestine, numbers 6 to 15, should be taken together. In general, when applying the guidelines, each should be read in the light of the others and always with a view to context. Context can include the intention behind an utterance or a pattern of speech over time or even the identity of the speaker, especially when the subject is Israel or Zionism. So, for example, hostility to Israel could be an expression of an antisemitic animus, or it could be a reaction to a human rights violation, or it can be the emotion that a Palestinian person feels on account of their experience at the hands of the state. In short, judgment and sensitivity are needed in applying these guidelines to concrete situations. And that, colleagues, is why I've introduced AM2009, because the context of these conversations, who is the speaker? What are they speaking about? What is the nature of the speech and the criticism that they may be conveying? That matters to whether antisemitism is what's happening with that speech. In the definition portion, the Jerusalem Declaration on antisemitism states: antisemitism Is discrimination, prejudice, hostility, or violence against Jews as Jews, or Jewish institutions as Jewish. Colleagues, is that a definition of antisemitism that works for you? That's the question before us. Under the guidelines, it states: It is racist to essentialize, that is treat a character trait as inherent, or to make sweeping negative generalizations about a given population. What is true of racism in general is true antisemitism in particular. Two, what is particular in classic antisemitism is the idea that Jews are linked to the forces of evil. This stands at the core of many anti-Jewish fantasies, such as the idea the-- the idea of a Jewish conspiracy--

KELLY: Senator, that's your time, you're next in the queue, and that's your final time before your close.

HUNT: Thank you, Mr. President. Such as the idea of a Jewish conspiracy in which, quote, the Jews, unquote, possess hidden power that they use to promote their own collective agenda at the expense of other people. And if you'd like to do a quick Google search, we can find myriad examples of people in the Trump administration doing this. It continues: This linkage between Jews and evil continues in the present. In the fantasy that, quote, the Jews, unquote, control governments with a, quote, hidden hand, unquote, [MALFUNCTION] control the media, act as, quote, a state within a state, unquote, and are

responsible for spreading disease such as COVID-19. All of these features can be instrumentalized by different and even antagonistic political causes. Three, antisemitism can be manifested in words, visual images, and deeds. Examples of antisemitic words include utterances that all Jews are wealthy, stingy, or unpatriotic. In antisemitic caricatures, Jews are often depicted as grotesque, with big noses, and associated with wealth. Examples of antisemitic deeds are assaulting someone because he or she is Jewish, attacking a synagogue, dobbing swastikas on Jewish graves, or refusing to hire or promote people because they are Jewish. Once again, colleagues, as you're listening, ask yourself if you have a problem with any of this. Four, antisemitism can be direct or indirect, explicit or coded. For example, quote, the Rothschilds control the world, unquote, is a coded statement about the alleged power of, quote, the Jews, unquote, over banks and finance. Similarly, portraying Israel as the ultimate evil or grossly exaggerating its actual influence can be a coded way of racializing and stigmatizing Jews. In many cases, identifying coded speech is a matter of context and judgment, taking account of these guidelines. Number five, denying or minimizing the Holocaust by claiming that the deliberate Nazi genocide of the Jews did not take place or that there were no extermination camps or gas chambers or that the number of victims was a fraction of the actual total is antisemitic. That's something that Bovino, is that his name, the guy that was doing the ICE raids in Minneapolis talked about quite a bit. I have an update about what happened in Massachusetts. What they did in Massachusetts, Senator Hardin, is they established a special commission on combating antisemitism in 2024. And that commission has debated about which definition to use in their reports. And it says: The commission spent a substantial portion of the meeting focused on the draft reports per factory statement, including whether to anchor the document to the IHRA working definition and how to note alternative definitions such as the Jerusalem Declaration. This definition that I have proposed avoids the problem of conflating antisemitism with criticism of the state of Israel in terms of their treatment of their Palestinian neighbors. In the United States, we have the right, ostensibly still, though, yikes, it's really getting rolled back and people are in prison today because of it, or shot in the street, we have the right to criticize our government. We have the right to know who's arresting us when they pull us over, or when they ask us for our ID, or when they draw a gun on us when we're protesting in the street exercising our First Amendment rights. These are rights that our veterans have fought and died for. These are rights that we all took an oath to uphold on the constitution. And these rights don't

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go away when we're talking about another country. And I think that there's a very dangerous gray area with the IHRA definition used in LB538 that does conflate support for the Palestinian cause, which you may hold or not, with antisemitism. And that puts us on legally shaky ground and also morally and ethically shaky ground. That's not a view that's consistent with the beliefs that we hold in the United States of America. I would encourage you to consider this Jerusalem declaration on antisemitism. It is serious, it is supported by Jewish scholars and Jewish organizations, and it does not change the intention or effect of LB538. It will make it easier and more effective for us to protect our Jewish neighbors in Nebraska and to make sure that they have a safe place to work, go to school, and live their lives as Nebraskans. Thank you, Mr. President.

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

JUAREZ: Good morning, everyone. I just wanted to say thank you to Senator Hunt for introducing the information that she is suggesting to our body to update that definition and I would like to know-- to yield the rest of my time to her. Would you like it?

KELLY: Thank you, Senator Juarez. Senator Hunt, that's 4 minutes, 35 seconds.

HUNT: Thank you, Mr. President. Thank you, Senator Juarez. I can share also the final report from the Special Commission on Combating Antisemitism from 2024 in Massachusetts. Here's an excerpt from their findings, which would be kind of similar to what we have in LB538. They said: Antisemitism is a hatred of Jews for being Jewish. Educators and other actors charged with implementing these recommendations should be informed of and by IHRA's definition and its examples. Those consulting IHRAs should pay special attention to its provision that, quote, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitism and should understand that its examples not be taken as per se antisemitism. They continue: While not expressly mentioned by the National Strategy, some other definitional tools used by groups and residents include the Jerusalem definition, the U.S. Holocaust Memorial Museum, and the Concord Carlisle Against Antisemitism. To quote the national strategy, the focus of this report is on actions to counter antisemitism. So, basically, what they do in this report in Massachusetts is they use the IHRA as a core definition, but they note that these definitions have become a lightning rod for political

controversy, that they are divisive, and that other definitions do exist. I, colleagues-- you know, we had a-- we had an executive session, oh my god, was it yesterday or was it 3 days ago? You could tell me either thing and I would believe you. Maybe it was 2 days ago or something. But we were "execing" on a bill that I thought was needlessly provocative toward the immigrant community. I thought that, you know, proponents of the bill said, well, it doesn't even do anything. It doesn't-- just, just support it. It doesn't really even do anything. And I thought that it probably did do something, in addition to being just kind of pointlessly provocative and turning up the heat and turning on the fire on an issue that's already incredibly hot, incredibly divisive, sure to bring a filibuster on the floor. And I implored my colleagues to be statesmen, to think about what we vote out of committee and what arguments that's going to provoke and if it's worth it. With everything going on in our state with the budget, with the cost of living, with the other controversial measures that we have before us and the measures that aren't controversial, they're just going to take a whole lot of time to get right and we all share the goal of getting it right. You know, sometimes a bill that we're working on that's taking a long time, it's not because there's a for and against, it's because everybody is for it but we don't want to do it wrong. And that's how I feel about LB538. Taking the time to get it right includes having a definition that is not needlessly, unnecessarily provocative in a time in our country that is already extremely tense, extremely divisive. I think it would be prudent of us and statesmen-like to select a definition such as the one I've proposed in AM2009 that does not inflame a group of people. The definition in LB538, frankly, inflames Palestinians and supporters of the Palestinian cause, of which there are many. And with the-- you know, I don't think that that's a good use of our time. I think that we should do something, if there's anything more neutral, if there is anything less controversial that we can do and accomplish the same goal, why wouldn't we do that? As the smallest Legislature in the country, I've often said, we actually have to get along with each other. And, you know, I'm a bomb thrower, I'll throw a bomb, but I, I hope you agree I never threw one that didn't need thrown. And bills like LB538 do contain an incendiary moment in this definition of antisemitism that includes criticism of Israel, that includes the criticism of the treatment of Palestinians. And if we can find a definition that is supported by the Jewish community, that is supported by the people impacted, I think that that would be the--

KELLY: That's your time, Senator.

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HUNT: --prudent thing to do. Thank you, Mr. President.

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

HUNT: Thanks for the lift, guys. I don't, I don't have anything else to say. I think I've made myself clear. I'm interested to see how the vote on this goes. I, I have-- colleagues, I've been on the mic since I introduced this. And I would like the opportunity to walk around and talk to people about this amendment and hear about their questions. I know that my staff has gotten questions, and they're working with many of your staffers so we have some back channel communication going on. But, OK, thank you. I'll yield my time to Senator DeBoer. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator DeBoer, you have 4 minutes, 25 seconds.

DeBOER: Thank you, Mr. President. Well, I will attempt to talk during this time, then, so that there's an opportunity for Senator Hunt to do some of the conversations that she wanted to. I have some questions of my own about Senator Hunt's amendment, about Senator Hardin's bill, Senator Hardin's amendment, about the various definitions. I've been trying to understand them, and as near as I can understand, colleagues-- and, again, I am just trying to get into this-- it seems like there are multiple definitions, like there of everything, of the term antisemitism. And that my understanding is that the IHRA definition is a broader definition that would take in more speech and would include criticism of the Israeli government and that the definition that Senator Hunt has put before us is a more tailored definition that would still include all the kind of, like, traditional things you would think of as antisemitism, which I'm not going to say here on the floor, but would not include criticism of the Israeli government. Perhaps Senator Hardin would answer my question. Senator Hardin--

KELLY: Senator Hardin, would you yield to a question? 2 minutes, 38 seconds.

HARDIN: Yes.

DeBOER: Senator Hardin, so I'm just trying to kind of understand, I don't have the, the same length of time working on this issue that you

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have. Under the IHRA definition, could I criticize the government of Israel?

HARDIN: Of course.

DeBOER: OK. What is-- what-- what's the difference between the two definitions, the one that Senator Hunt has brought before us, and the IHRA, do you know the difference?

HARDIN: I do, and to summarize it again, the definition that Senator Hunt has brought forward has been supported by no government in the world versus 47, including our own, since 2019.

DeBOER: So, so I, I get that part, like I heard you say that part and thank you, that's helpful information. But in terms of the definitional differences, like what-- is there something that wouldn't be covered by Senator Hunt's that is covered by yours that you would like to be covered?

HARDIN: The senator-- Senator Hunt's definition that she's talking about, and she's not the one that created it, she's--

DeBOER: Sure.

HARDIN: --simply passing along the Jerusalem Declaration, makes special considerations for Palestine that is the antithesis of what is at the heart of the IHRA.

DeBOER: Can you, can you say more about that? I'm sorry, I really am trying to understand.

HARDIN: I appreciate that. [MALFUNCTION] the heart of this is the reality that what Senator Hunt is doing is actually demonstrating very beautifully why exactly this definition is needed worldwide. It's a marginalization of the Jewish people. That is what has to come to an end.

DeBOER: And, and what-- so, like, if I said Mr. Netanyahu is an idiot, would that be covered by both definitions?

DeBOER: I can't speak to the Jerusalem Declaration, but anyone who wants to throw a slur or criticism to the wind, that is protected by the First Amendment speech of the United States. As a lawyer you know that. And so what we're talking about here is when does hate speech begin and free speech end?

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DeBOER: Yes, that's-- yeah, that's the question, does this change that?

HARDIN: Of course not.

DeBOER: OK. OK, that's helpful. So it doesn't actually change anything about the First Amendment, it just describes nonprotected speech?

HARDIN: The U.S. has always struggled with this, and as you know, violence is the fulcrum, unfortunately, over which the First Amendment tips over.

DeBOER: Yeah.

HARDIN: And so when--

KELLY: That's time, Senators. Thank you Senators DeBoer and Hardin. Senators, the question is the adoption of AM2009. All those in favor vote aye; all those opposed vote nay. 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: 16 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All 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 Andersen and Bosn, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Senators, the question is the adoption of AM2009. A vote was underway and there's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch not voting. Senator Armendariz. Senator Ballard voting no. Senator Bosn voting no. Senor Bostar. Senator Brandt voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad not voting. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting yes. Senator Fredrickson not voting. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes not voting. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson not voting. Senator Juarez voting yes.

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Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKinney voting yes. Senator Fred Meyer voting no. Senator Glen Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop. Senator Quick not voting. Senator Raybould voting yes. Senator Riepe not voting. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey not voting. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper not voting. Vote is 8 ayes, 26 nays, Mr. President, on adoption of the amendment.

KELLY: AM2009 is not adopted. I raise the call. Senator Hardin, you're recognized to close on AM1972.

HARDIN: The big idea here is just to retain the IHRA definition. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Senators, the question is the adoption of AM1972. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 3 nays on adoption of the amendment, Mr. President.

KELLY: AM1972 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hughes would move to amend the bill with FA957.

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

HUGHES: Thank you, Mr. President. This is a very simple amendment. It just removes from mandatory training-- right now, the training says that you have to include employees and students for these K-12 schools. So we essentially would have to have every K-12 student across the state through these trainings. It's really meant for employees. So we just scratch: and students. That's what the amendment does. Thanks.

KELLY: Thank you, Senator Hughes. Returning to the queue, Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I rise because I'm not voting for this bill and I'm really not voting for this bill honestly because this body decided not to think it was a good thing to teach anti-blackness and anti-indigenous teachings in our education systems.

And why this is more important today is we have a President who just recently tweeted, or I don't know what you call it on Truth Social, a video of former President Obama and his wife as monkeys. That is anti-black as you could get, and is at the highest office in this nation. That's why it's important. So when you vote not to teach anti-blackness, that tells a lot to me. So the comments, just bring another bill or all this and all that, it, it falls flat on deaf ears to me because, yet again, this body does not want to teach anti-blackness. This body wants to get rid of DEI and CRT and all these other things, which is very alarming. It shows me how you feel about me, how you feel about my people, how you feel about the people I represent, and how you feel about the people who came before me. And that is evident. So when you see me voting no that doesn't mean I'm antisemitic. It just means that I'm taking a stand. So when you talk about people being marginalized, Senator Hardin, black people in America have been marginalized since the slave ships came to this country. My ancestors have been marginalized. The people before me have been marginalized. But that seems to not be important to this body or to the President of this country. But it's the theme of America, it's the theme or what happened in that last election. So it's not surprising. It's also not surprising that we've got a hallway downstairs filled with former slave masters, and people were upset that Senator Cavanaugh took a picture down of former slave masters of my slave ancestors. It's the body, it's the Nebraska Legislature. So I'm, I'm just rising to say that because it, it is really telling how people feel and how people choose to express themselves. So that's where I'll leave it. Anti-blackness, obviously, for a lot of people here, should not be taught in our schools because, I don't know, anti-blackness must be a thing you support. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I rise in opposition to LB538. I'm not entirely sure-- would Senator Hughes yield to a question, maybe? Would Senator Hughes yield to a question?

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

M. CAVANAUGH: Sorry, I was looking around and--

HUGHES: It's OK. Yes, I would.

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M. CAVANAUGH: I'm sorry, I missed your introduction on the FA. What does this do?

HUGHES: So in the bill, as written, it would say that for K-12 schools, that to do the training was required of employees and students, and so the FA, literally, just scratch: and students.

M. CAVANAUGH: OK. And the question about the fiscal note, I know that was a discussion on General File, so this still requires the schools to do the training for, for teachers.

HUGHES: This bill still requires the teachers to still do the training. It should be incorporate-- they, they have to do antiharassment training regardless. They always have been, and it's supposed to be included in that, that same umbrella of training that they do.

M. CAVANAUGH: And currently they aren't included, this antisemitism training?

HUGHES: I would argue that when you say you don't exclude for race and religion, that that would include Jewish people.

M. CAVANAUGH: OK. I would argue that as well, so thank you, I appreciate that.

HUGHES: You're welcome.

M. CAVANAUGH: It's-- I've, I've been-- I, I have this new app that's supposed to help with, like, your grammar and, and cognitive thinking and things like that, and one of the exercises is getting rid of duplicative language. So LB538 is duplicative language entirely, because we already have antiharassment based on religion and gender and national origin. So if we're going to be duplicative, why not be more comprehensive in our duplicativeness and incorporate into this bill Senator McKinney's amendment for blackness and, and indigenous people. But I think that it's fair to say that antisemitism is on an extreme rise and it's extremely concerning. But that doesn't mean that anti-blackness isn't also. And I think just seeing what's happening in this country around ICE raids, anti-brownness is on an extreme rise. So maybe we should be considering a more comprehensive look at this, but I think I've lost that battle on this bill already. And if I've learned one thing this week in the Legislature is nobody's listening to what I'm saying anyways. And even if you were, you just think that I am a, what is it, [INAUDIBLE]-- well, I'm not going to say what the

Governor said because that's really derogatory and disrespectful. So, yeah, unnecessary, duplicative, poorly written, poorly executed, a lot of gobbledygook on this bill, and you guys don't care, so. Thank you, Mr. President.

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

CONRAD: Thank you, Mr.-- thank you, Madam President. Good morning, colleagues. As is part of our process, when we debate issues through committee and on the floor, it provides an opportunity for more stakeholders to get involved and to share information. I hadn't had a chance to ask Senator Hardin about this, so I won't do it in a direct Q&A, but I'll just put this here for the record. I was hoping that perhaps Senator Hardin or others could provide some context or legal analysis about how this definition plays out. I was presented with one case that is on point from Texas, Students for Justice in Palestine at University of Houston v. Abbott, 756 F. Supp. 3d 410-425, West District of Texas, 2024, wherein the court finds the corporation of this specific definition of antisemitism to be viewpoint discrimination. So I think that that should be inserted into the record. I'm not sure what the existing procedural posture of the case is or if there are other cases that are on point that we could look to, but that is a ruling from a federal district court and should be part of the body's consideration of this issue so that we can craft a measure that it comports with the First Amendment and can achieve its desired purpose to address and combat and reduce antisemitism. Thank you, Mr. President.

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

DUNGAN: Thank you, Madam President. I touched the mic there to get the static shock out of the way. I do rise, still listening to the conversation about FA957 and LB538. I think a number of the issues with the bill have been brought up by other folks that I'm not going to belabor the point. I wanted to take a moment to comment briefly on what Senator McKinney had talked about, which I don't want to get too far afield of the debate we have here before, because I do like to debate what's on the board. But when we're talking about antisemitism and racism, in general, it's very difficult to pretend, like, we have moved on from any particular place in history when the President of the United States is sending out tweets of pictures of a former president and his wife who are black with their faces superimposed on monkeys. That went out today, this morning. The White House then doubled down on it and said that it wasn't a big deal. That should be

enough to end anybody's political career. We won't get into why it's not in this circumstance, apparently, but I wanted to say how much I appreciate Senator Rountree, who has been continuously, and Senator Spivey, who have both been commemorating Black History Month over the last few days and sharing stories of famous black Americans, and I wanted to yield the remainder of my time to Senator Rountree so he can continue to uplift some of those amazing stories. Thank you, Madam President.

IBACH: Senator Rountree, you're granted 3 minutes, 27 seconds.

ROUNTREE: Thank you so much, Senator Dungan. Thank you much, so much Madam President. As we are still in Black History Month, we take this time to observe the contributions of blacks to our nation. I, like Senator McKinney, when I read about that tweet last night, it was really distressing. And I don't want to say that I've come to a point to say that I-- that's really what I expect. When a person shows you who they are, you understand who they are. So that's par for the course. Just because it becomes par for course doesn't mean that it's correct. Doesn't mean that whatsoever. But when my constituents reach out to me and they say, hey, listen, I don't think you're representing me well in certain areas, and I want to ask them, why don't you stand up and support the other things that are opposing us? Help out, cry for righteousness, whatever righteousness is. Some say I get on the mic and I preach. Well, I'm going to stand up for the word of God because we say we are a Christian nation. So let the word apply to everybody. But today I just want to recognize another great black American Frederick Douglass, is ironic or just fitting that my high school, the first school I went to, was Frederick Douglass High School in Elm City, North Carolina. Named after this great man, Frederick Douglass, he was born Frederick Augustus Washington Bailey, February 14, 1818, and died February 20, 1895. He was a great American social reformer and abolitionist-- for those that might not know what that is, one that wanted to abolish slavery in our country-- an orator, a writer, and as one of my fellow senators said he was a statesman, Frederick Douglass was a great statesman. He was the most important leader of the movement for African American civil rights in the 19th century. After escaping from slavery in Maryland in 1838, Douglass became a national leader of the abolitionist movement in Massachusetts and New York and gained fame for his oratory and incisive antislavery writings. Accordingly, he was described by abolitionists in his time as a living counterexample to claims by supporters of slavery that enslaved people lacked the intellectual capacity to function as independent American citizens. Imagine that, lacked the intellectual

capacity to function as independent American citizens. Northerners at the time found it hard to believe that such a great orator had once been enslaved. It was in response to this disbelief that Douglass wrote his first autobiography. I see I'm down to a minute, but if you get an opportunity to read more about Frederick Douglass, there's a great speech that he wrote-- he spoke: What does the Negro have to do with the Fourth of July? We say our pledge every morning. And when I'm in the classroom and we say our Pledge of Allegiance, our kids come through and at the very end they say, and with liberty and justice, for who, for all. I say who does that mean in the classroom? For everyone, liberty and justice for all. And that's why I call our country to stand up and stand on the freedoms and, and stand up and pay the bill and stand up and let freedom and justice and liberty be for all. So that's what Frederick Douglass did.

IBACH: That's your time, Senator.

ROUNTREE: I just wanted to take the time to honor him this morning. Thank you.

IBACH: Senator Lonowski, you are recognized to speak.

LONOWSKI: Thank you, Madam President. Frederick Douglass was a great man. He was a very close friend with Abraham Lincoln. They worked together. Frederick Douglass strongly supported the U.S. Constitution. There are many men like that. I would like to stand in support of LB538, and I also support Senator Hughes's FA957. I looked through three different handbooks from three different schools. All three of them have nondiscrimination policies. I assume if I looked through every schoolbook of-- or every handbook of every school across the state, they would have some nondiscrimination policies. I cannot understand senators that say they will, they will vote against this because they are for other nondiscrimination policies. I would like to read what this school has: The school district does not discriminate on the basis of prohibited factors of employment education for the following reasons: Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, or national origin. Title VII of the Civil Rights Act of 1964 as assembled prohibits discrimination on the basis of color, religion, sex. Title IX of education prohibits discrimination on the basis of sex. The Equal Pay Act as amended in 1963 prohibits sex discrimination in payment or wages. Section 504 of Rehabilitation Act of 1973 prohibits discrimination against the disabled. And it goes on and on, includes some discrimination against pregnant people, discrimination that protects the Family and Medical

Leave Act of 1993, Boy Scouts American Equal Access Act. It goes on and on. What I want to point out is that we already have many nondiscrimination policies, I could not find any policy that said we are pro-white or pro-black. I think those policies are assumed, they're covered. We want to be across the board. We want to ensure that everyone is not discriminated against. So my friend Senator Rountree made some great points. I assume everyone here is-- stands in some form of nondiscrimination. We do not want to support any, any type of discrimination. We do not necessarily support nor go against any policies at the national level. We know here, as a state, we don't control what the people above us say. So at this point, I'd just-- I, I understand Senator Hardin's bill. I think it's a great step forward and I strongly support LB538. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. Just listening to Senator Rountree's comments about Frederick Douglass reminded me that for Black History Month, I've been meaning to bring up-- I don't do a lot of social media, but I follow on Facebook this woman and I don't know what her name is, I just know the name of her page is FBA Legacy, Foundational Black Americans. And she does historical research on foundational black Americans and tries to make history fun. And so I've been following her for a while, and I, I bookmarked her because I wanted to share some of the foundational black Americans that she talks about on her Facebook page. And one is another Frederick, Frederick Loudin. Now, this gentleman has-- his invention has impacted, I guarantee, every single person in this room: pages, senators, staff. He created the key chain. Before Frederick Loudin, keys were just loose in people's pockets. They-- you know, keys have, like, kind of a pointy edge so they would make holes in your pockets. You'd lose your keys constantly. And this gentleman invented the keychain. What a cool thing. And a random thing too. But without Frederick Loudin, a foundational black American, we would all have loose keys or lost keys. I still have lost keys a lot, but at least they're on a key chain. Another foundational black American is Leonard Bailey. Now, for those of you who are retired military, you'll really appreciate Leonard Bailey's contributions to America. He invented the cot, a lightweight foldable bed that was invented for the military. Pretty cool. There's quite a few other things that she has mentioned over her Facebook page, which people can go and look up. Again, it's FBA Legacy, standing for Foundational Black Americans, fun history, a little bit different than the history lining the halls downstairs, and perhaps slightly more accurate history of the contributions of black

Americans. And I just wanted to share that for Black History Month, and really it's just kind of cool, so. Thank you, Mr. President.

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

McKINNEY: Thank you. Just wanted to get back on the mic to kind of say some other things. For one, if we already have policies in place, then this bill is, is a waste of time. If, if according to what Senator Lonowski stated in his statement, if we already have these antidiscrimination policies embedded in our institutions and things like that, then this bill is a waste of time because we already have policies to address this issue. This bill is not needed according to that argument. Either we have them or we don't. Secondly, America and the state of Nebraska definitely does not have pro-black policies. That is very clear. You all don't even want to teach anti-blackness. So why would you have pro-black policies in place? And then on this issue of we don't have pro-white policies. Not outright, but this country and this state was built on white supremacy. Think about Jim Crow. Think about slavery. I could go on and on. Why did-- if, if, if we didn't have these policies, why did Martin and Malcolm have to do what they do and take the ultimate sacrifice for our people? Why do we ever need a Black Panther Party? Why do we need to say Black Lives Matter after Trayvon Martin was killed, whose birthday was the other day? It's a system. It doesn't have to be clear as day. But, actually, in the past, there were policies that were clear as day, definitely segregation policies and things like that. They had colored fountains. They don't have them anymore, but we still technically have redlining because of policies. Policies that are passed in places like this. Policies that say don't ask or basically if, if, if you take government assistance for housing you essentially are only relegated to one section of a city. Those are policies. It doesn't have to be outright, but there are systems. And that's why we should be teaching anti-blackness. But this body doesn't want to. But according to the argument that we already have antidiscrimination policies set in our, in our educational institutions, this bill is a waste of time. It is duplicative at best. It's performative if we already have these policies. So either we don't have them or we do. But if we do, this bill shouldn't, shouldn't even be because there already are protections. It's just that simple. I mean, we-- I mean, you know, we got a President that does what he wants. And then you say, oh, we can't control what he says or does. But you voted for him. You put him in office. You empowered him to be able to do the things that he's doing. So, yes, you're responsible, in a way. Maybe not directly, but

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if you voted for him, you kind of supported what he stands for. So with that, I'll finish. Thank you.

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

JACOBSON: Thank you, Madam President. I do want to comment on Senator McKinney's point about this is already being taught in schools. The reason I've not been supportive of the bill, and I've been present, not voting is because I don't think it's the Legislature's role to come in and dictate to public schools that they ought to be teaching these kinds of, of, of, of curriculum. I think we have the Department of Education set up and local school boards set up to do that. And whether the mandate is funded or unfunded, it's still a mandate. And I, fundamentally, oppose that. The schools that have reached out to me and that I've reached out too, tell me exactly what Senator Lonowski said. We got it covered. We're teaching it now. And so to Senator McKinney's point, as soon as we start targeting one group where does it end? And where do we end in terms of mandating the schools? What they now need to figure out, take more time to teach, hire more teachers to teach it. I'd go back, again, to if we have third graders that are struggling to read, maybe our focus should be more on the basic educational skills that need to be taught in schools, not thinking of more ways to get students involved in some other issue. I, I am-- I, I lead-- I, I would tell you that I have lots of concerns about antisemitism, just as I have concerns about any other racial discrimination. But I do think that you can lead a horse to water, you can't make him drink. I think the schools are doing and exposing these issues. I'm comfortable that our history books are teaching these things, and I think I'd rather leave it to the educational community rather than the Legislature dictating what they should do. So for that reason, I'm either going to be a PNV or no as we move through the process. Thank you, Madam President.

IBACH: Seeing no one else in the queue, Senator Hughes, you're recognized to close on your amendment.

HUGHES: Thank you, Madam Chair. With what Senator Jacobson mentioned, I don't disagree. I think we have really good policies in place with our schools that teach antiharassment for race and religion, which, you know, Jewish falls underneath that. But this amendment, as written, for this bill just takes away mandating that training to every K-12 student across the state. So I would appreciate your green vote on FA957. Thank you.

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IBACH: Colleagues, the question before the body is the advancement of FA957. All those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 39 ayes, 0 nays on adoption of the floor amendment, Madam President.

IBACH: FA957 is adopted. Mr. Clerk.

CLERK: Madam President, Senator Hardin would move to amend with FA960.

IBACH: Senator Hardin, you're recognized to open on your amendment.

HARDIN: Fiscal Office just wanted to make sure that we had struck, finally killed, put a stake through the heart of any possibility of a fiscal note and that's what this is. Thank you.

IBACH: Seeing no one in the queue, you're recognized to close. Senator Hardin waives closing. The question before the body is should FA960 advance? All those in favor vote aye; those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Bosn. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad not voting. Senator DeBoer not voting. Senator DeKay-- I'm sorry, Senator-- voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan not voting. Senator Fredrickson voting yes. Senator Guereca not voting. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach-- Senator Ibach voting yes. Senator Jacobson not voting. Senator Juarez not voting. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKinney voting no. Senator Fred Meyer voting yes. Senator Glen Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick not voting. Senator Raybould voting yes. Senator Riepe not voting. Senator Rountree not voting. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey not voting. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 32 ayes, 1 nay, Mr. President or Madam President, on adoption of the floor amendment.

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IBACH: The amendment is adopted. Mr. Clerk.

CLERK: Madam President, Senator Machaela Cavanaugh would move to reconsider the vote just taken.

IBACH: Senator Cavanaugh, you're recognized to speak on your recommit.

M. CAVANAUGH: Thank you, Madam President. Colleagues, I-- I've made a decision, we're going to stay on this until we adjourn today. This bill, not going to move, not because of the contents of the bill, but because of character of the introducer. So I'm going to just stay on it. And then I'm going to talk to the Speaker about removing it from the agenda. So I'm just going to read stuff. So if you guys want to leave, go ahead and leave. I already put in another motion to bracket, so that'll be another 10 minutes. So I'll be 10 minutes on this, I'll be 10 minutes on that. I'll speak my times in the queue. People-- I don't know if somebody-- people want to call the question or whatever. I think I also got knocked out of the queue because I was in the queue, but this is my opening, but that's fine. I'll just get back in the queue. So, yeah, I'm just going to read the five definitions of antisemitism. This is from Union for Reform Judaism. OK. So, again, I'm just going to be reading for the next hour. And you are welcome to catch up on your correspondence, read your favorite periodicals. I still haven't made my way through the latest beanbag, my favorite periodicle. Look at the bills that are on the agenda for your committee hearings this afternoon. I don't know. The five definitions of antisemitism: As antisemitism continues to threaten American democracy, many people and institutions are looking for a concise objective definition to use in online exchanges, schools, and universities to decide if a derisive comment or chanted epitaph is legally actionable. Why is a definition needed? Antisemitic rhetoric is largely based on conspiracy theories, which are often to observe-- think Jewish space lasers to challenge rationality. I'm not sure that that makes sense. A definition gives shape and boundaries to the ridiculous. To paraphrase world-renowned Holocaust and antisemitism scholar Dr. Deborah Lipstadt: You can't fight what you can't define. In 1972, scholar Leonard Fein wrote a book about the reform movement partially titled: Reform is a Verb. This was more than a nod to the idea that if our norms, values, and practices were to remain relevant, they could not stay static. The same is true for our understanding of antisemitism. Though some of the tropes and methodologies of antisemitism have remained static, much has changed. By codifying specific wording, we leave no space for nuance or personal understanding, hallmarks of reform Jewish thought. Here are five

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definitions of antisemitism from the International Holocaust Remembrance Alliance or-- well, it's IHRA, but I think, I think there's a way of pronouncing it IHRA, it's-- is the I silent when you say IHRA, I'm not sure-- the Nexus Task Force, the Jerusalem Declaration, T'ruah: The Rabbinic Call for Human Rights, and the Southern Poverty Law Center. Together, these definitions and other demo-- others demonstrate the many ways antisemitic ideas are used to foment hatred and division. The IHRA working definition of antisemitism. The IHRA is an intergovernmental agency of 35 members and 9 observer countries committed to, to Holocaust education, remembrance, and research. This definition has been used-- been in use in the European Union since 2005. And the U.S. State Department began using it in 2010, referring to it as the State Department's working definition of antisemitism the IHRA formally adopted in, in 2016. As of August 2024, the IHRA working definition of antisemitism has been adopted by 35 states and the District of Columbia. More than 30 nations have adopted this definition, as have more than 100 and-- well, not 100, I'm sorry, 1,200 municipalities, government agencies, and organizations. In February 2024, the Jewish national-- sorry, I'm, I'm struggling with reading this morning. I think I'm just a little tired, maybe. I don't know if I'm physically tired or just emotionally tired. Probably emotionally tired. It's day-- it's the twenty-second day. That means 38 days left. Who's counting? I'm counting. Definitely counting. The IHRA definition is recognized as authoritative and used widely by governments and institutions worldwide because it was the first of its kind, is succinct, was written and approved by an international body, and was devised as a tool for education. The definition states: Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed towards Jewish or non-Jewish individuals and/or their property toward Jewish community, institutions, and religious facilities. This text is followed by 11 examples which give the reader a sense of how these words might translate into action, 7 of the examples relate to Israel, critics of the definition suggest they do not allow for legitimate criticism of Israel, its leaders, or actions. That is one of my concerns right there is not allowing for the criticism of Israel and its leaders and its actions. I, I think that we have to be very careful when we are looking at speech and free speech. And we need to make sure that we are not only doing the best that we can to protect those that are being targeted by religious and political violence, but we still have to maintain our freedoms of speech. So it's, it's a difficult line to walk, but I think making it clear that you can, in fact, criticize

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Benjamin Netanyahu. I can even call him a war criminal, and that does not make me antisemitic. That makes me a person who's following current events. The Nexus Document-- I know, thank you. I'm not in the queue. I know. I, I was going to get back in. I'll get back in. I've got time, I've time to get back in the queue. I've 45 minutes. And I also have a motion to bracket and reconsider on that motion, so. I've done, I've done this before. I'm really good at the math of it all, although my eyesight is not great, and my glasses-- I'm going to have to get my opera glasses out for those of you that don't know. I can't pick it-- it's a prop, we can't have props. I have opera glasses over here that in 2023 we had different screens for-- that showed us what the queue was, and I could never read the screen. It was too small, too far away, so my lovely brother got me opera glasses so that I could look at the screen and see the queue from my desk. Don't work as well as one might hope, but it was very kind of him, and I would be remiss if I did not mention the fact that they are rose gold, because he was very proud of the fact that he got me rose gold opera glasses. So thank you Senator John Cavanaugh. They still sit on my desk. I can't lift them up right now, because that would be a prop. So I'll use them later. OK, the Nexus Document: The Nexus Task Force is comprised of academics and clergy, including URG professional leaders and philanthropic leaders who came together to study the intersection or nexus of antisemitism, Israel, Zionism, and American politics. Sorry, I was checking something, and then I lost my place on the document, and then I started to think to myself, I could just stand here silent for 10 minutes. No, I wouldn't do that. Senator Erdman isn't here any longer, so there's no precedent in this current Legislature for doing ridiculous things like that. Formed in 2019, this definition is currently affiliated with the Center for Study of Hate at Bard College, the group published a white paper, a document used to succinctly analyze a challenge and present solutions in late 2020. This definition of antisemitism was derived from the white paper. Antisemitism consists of anti-Jewish beliefs, attitudes, actions, or systemic conditions. It includes negative beliefs and feelings about Jews, hostile behavior directed against Jews because they are Jewish, and conditions that discriminate against Jews and significantly impede their ability to participate as equals in political, religious, cultural, economic, or social life. As embodied-- as an embodiment of collective Jewish organizations and action, Israel is a magnet for and a target of antisemitic behavior. Thus, it is important for Jews and their allies to understand what is and what is not antisemitic in relation to Israel. The Nexus Document includes nine examples that illustrate what the group sees as

antisemitic. Eight of these examples relate directly or indirectly to Zionism in Israel. The Nexus Document also includes four examples of what, in their view, is not antisemitic. The document suggests that it is not antisemitic to criticize Israel's current policies or the policies which led to the creation of the modern state and that it is not inherently antisemitic to pay disproportionate attention to Israel. Read that part again: It is not inherently antisemitic to pay disproportionate attention to Israel. We can be critical of Israel and still care and love deeply our Jewish friends and family and care about the rise of antisemitic violence against our Jewish friends and family, but we must make clear--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President. I'm thinking of all the school secretaries out there right now that are extremely busy, but I submit that I bet you every one of them could have had this written into the handbook by the time we had been done debating on it. In the 1990s, the U.S. Army had a motto: We do more by 9:00 than most people do all day. I submit to you the Nebraska Legislature wastes more time by 9:00 than most people do all day. Thank you, Mr. President. I yield my time to Machaela Cavanaugh, to Senator Machaela Cavanaugh.

KELLY: Thank you, Senator Lonowski. Senator Machaela Cavanaugh, you're recognized to speak with 4 minutes, 20 seconds.

M. CAVANAUGH: Thank you, Senator Lonowski. You just threw me a curveball I was not expecting. I thought he's going to call the question on me or he's going to talk for his 5 minutes or he is not going to talk for 5 minutes. I was not expecting to be yielded time. Thank you so much. OK, so I get distracted, also I apologize, I had to take my shoes off because I wasn't planning, wasn't planning on this today and I wore heels. And I do have an anti-fatigue mat here underneath me that I have had since 2023 and you'll see some throughout the Chamber. I have shared these anti-fatigue mats with colleagues around the Chamber, I haven't kept track of them all. I probably will take this one with me when I'm gone, so sorry Senator Guereca, but I, I have a bad back and I need an anti-fatigue mat in my life. OK, the Jerusalem Declaration of Antisemitism, the Jerusalem

Declaration on Antisemitism, or JDA, was written in response to the IRHA-- am I saying that right? Can somebody nod one way or the other? Is it IHRA? Yes, no, maybe? We don't know. OK. I apologize if I am mispronouncing it. I don't know how else to pronounce it. So I'm going to keep saying IHRA-- was written in response to the IHRA definition. The eight coordinators are experts in the fields of Jewish, Holocaust, and Middle Eastern studies. The document was drafted in 2020 and published in March, 2021. At this time, approximately 350 scholars have signed on to this resource. JDA takes its name from the location of its sponsoring institution, the Van Leer Institute, a humanities and social science think tank. The JDA is intended to serve as an alternative to the IHRA definition and its examples. The JDA authors leave-- sorry, every time I turn a page I don't know if I'm-- leave room for those including Jews who are sharply critical of Israel. And there is a growing number of at least Jewish Americans who are critically critical of Israel. The JDA cites the Universal Declaration on Human Rights, 1948, and Convention on the Elimination of All Forms of Racial Discrimination, 1969, among other international gatherings as inspiration, the JDA authors believe that antisemitism is inextricably connected to and must be challenged alongside other forms of hate and discrimination. The definition reads as follows: Antisemitism-- antisemitism is discrimination, prejudice, hostility, or violence against Jews or Jews or Jewish institutions-- Jewish institutions as Jewish. OK. Though the definition is concise, the JDA includes 15 examples, 10 of which relate to Israel and Zionism. Of these 10, 5 are examples of antisemitism and 5 are examples of things the authors do not believe to be inherently antisemitic. There's a link to read the full text, but this is paper so I can't, I can't-- even I know I can't click on that link to read the full text. OK. I'm mispronounce-- I know I'm mispronouncing this, it's T'ruah. T'ruah, T'ruah: The Rabbinic Call for Human Rights. I am very sorry that I am butchering these words. I am. Founded in 2002 as Rabbis for Human Rights, North America, T'ruah's mission is to train and organize Jewish clergy to use Torah values to speak up for, for and work towards--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. I'd yield my time to Senator Cavanaugh if she so desires.

KELLY: Senator Cavanaugh, 4 minutes, 58 seconds.

M. CAVANAUGH: Thank you, Senator Conrad. I do desire, I think everybody wants to hear me continue to butcher Hebrew. I don't-- I'm not intentionally butchering Hebrew. I'm just not well-versed in the pronunciation of Hebrew words, so. T'ruah's very brief, very brief guide to antisemitism was first published in 2022 and offers an understanding of historic and contemporary North American antisemitism. Part of T'ruah's mission is to speak out against the Israeli occupation of Palestine. Thus, the guide offers a deep dive on what, in their view, can and cannot be considered antisemitism relating to the years-long Israeli-Palestine conflict. T'ruah makes it clear that antisemitism should not be used as a weapon to curtail free speech, especially when calling out injustice. The guide's authors offer this simple definition: Antisemitism is hostility, prejudice, hatred, or violence against Jews as Jews. The document goes on to say, at its core, antisemitism sees Jews as a nefarious and corrupting presence within society. This hatred originated in antiquated-- antiquity as anti-Judaism, and involved into a modern political ideology that blurs race and religion, and sometimes takes this form of conspiracy theories. Antisemitism draws on pools of stories and tropes about Jews that got pulled to the surface at different times in different places by different people for different reasons with different impacts. I have to say, if this bill just expanded the discrimination teachings in education systems to say antisemitism is defined as hostility, prejudice, hatred, and violence against Jews as Jews, I'd have a lot fewer problems with this bill. It's the, the, potential to tread on our freedoms of speech. Freedom of speech is not speech that you like, it's all speech. Because there's a lot of speech that I don't like, and there's a lot of speech you don't, but we still get to have it. T'ruah offers several ways to respond to antisemitism, including education, relationship building, and legal recourse when necessary. Again, it says to download a copy. This is paper, so I can't do it. The Southern Poverty Law Center, SPLC, was founded in Montgomery, Alabama in 1971 by two civil rights lawyers who aimed to ensure that the promises of the civil rights movement came to fruition in addition to fighting racism and empowering members of the black community. SPLC works for voting rights and democracy, economic justice, judicial and prison reform, and naming and challenging white supremacy. SPLC frames its definition as an invitation to discussion. Because social change is constant, the organization believes any

definition must serve the needs of a constantly changing landscape. This definition is part of a larger resource guide on antisemitism. And then I'm going to read that, but I did want to say that if the body does want to move forward with the rest of the agenda, we can either pass over this bill or somebody could cosponsor it and the introducer can take his name off it and then we can move forward. Antisemitism is a set of dehumanizing and hostile beliefs and behaviors that target Jews, both as individuals and as a group because of their Jewish identity it takes on many forms, including overt acts of violence, discrimination, harassment, and vandalism, as well as more subtle codes, tropes, and assumptions. A central feature of antisemitism is its conspiratorial nature, where historical antisemitic conspiracies and myths offer a blueprint for future generations to draw on when blaming Jews for various world events, seemingly disparate groups and individuals across the ideological spectrum use antisemitism to manufacture fear and divide society. The SPLC definition focuses on the connection between white supremacy and antisemitism while bringing forward the idea that antisemitism is often a foundational belief of racism, homophobia, and other forms of hate. The SPLC resource offers a brief explanation of common antisemitic tropes and provides examples of how antisemitism manifests today. These examples are largely--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I was, I was planning to get into the queue anyway. I didn't know that Senator Machaela Cavanaugh was planning on taking this bill through the rest of the day. I had something separate I wanted to talk about. I have no intention of killing LB538. I'm, I'm not intending to be a part of a filibuster. I'm not trying to take time. I support the aims of LB538. And that's why I brought a good faith amendment to the bill to try and bring a definition of antisemitism that does not erase and negate the Palestinian experience by conflating antisemitism with criticism of the state of Israel. I, I asked my staff to draft this amendment late last night. We got it back this morning. We were scheduled to have a bill before this, and so I thought I had more time than I did. Is Senator Hardin on the floor? OK. I would ask him to yield to a question if he wants to come to the floor. But I want to tell you,

hand to God, I got that amendment out as fast as I could, and my staff and the revisors would say the same thing. I initially filed the amendment on the bill, and then Senator Hardin filed an amendment, so I had it redrafted to file to that amendment so we could get to it. Because, colleagues, I'm serious about this amendment, and I'm serious about this definition, and I'm serious about getting LB538 to a place where it can pass with unanimous support of this body, which is possible, which is something that Senator Hardin should want. I introduced the amendment, I wanted to get through the matter that I had before me to explain the purpose of the amendment and nobody else was in the queue and so I didn't have time to go speak to Senator Hardin. I didn't, I didn't have time at all. I wanted to and I wasn't able to do that, then Senator DeBoer kindly took some time, she took some of my time so that I would time to go talk to him, and I went over and I, I went up to him under the column over there under the balcony, and I leaned over as we do, and I said, Brian, is this a nonstarter? Is this just going to not work for you as a nonstarter? As you do under the balcony when we're trying to work on amendments. And I'd like him to be on the floor to recount the conversation that he had with me. He looked me in the eye and he said you're a nonstarter. Fine, fine, I get it, heard that before. And I go, so you're not, you're not going to support this because I'm introducing it? What if someone else introduced it? And he said, no, I'm not going to support it. It's a nonstarter. You're a nonstarter. And he looked me in the eyes, and he goes, you are really, really wet. And I said excuse me? And he said when you bring the thunder you've got to get ready to get really wet. And I would like to ask him if he'd like to come to the floor, if he's in the habit of saying things like that to women. I think that by saying something like-- by saying, oh, when you bring the thunder you get wet, he's giving himself some plausible deniability for an extremely foul comment toward a colleague. And I also think that this is a pattern of behavior in the way that he speaks to his colleagues. I've been pacing around since he said that. What good-- you know, junior high, junior high, you know, what good does it take-- what good is it to call him out on that? Should I ignore it? And I'm just kind of tired of ignoring things. I don't think that that's the behavior of a gentleman. I don't think that's the behavior of a statesman. I'm serious about getting LB538 to a point where it can have unanimous support to protect the Jewish community. I don't want to hear about if I'm wet or whatever from Senator Hardin. It was very embarrassing. But the shame should not be on me, it should be on him. The work that we do in here is very sad. The, the issues that we work on are very important and serious and

dear and impactful, but the way we treat each other is very sad. And the way that we regard our voters is very sad. So I don't see him, but if Senator Hardin would like to take the time, as he told me he would, and address those comments,--

KELLY: That's your time, Senator.

HUNT: --I think that'd be smart. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Senator Hunt, I didn't know I was going to do this, but-- I, I wasn't going to talk about what Senator Hunt just shared because it's not for me to, to share. But what Senator Hardin did is not protected speech, not like what Steve Halloran did to me, because he didn't do it on the microphone. It was sexual harassment in the workplace in front of the pages, who also can, if they want to, file a formal complaint with the Executive Board. And now that it has been made public, the Executive Committee has a responsibility to open an investigation into Senator Hardin's actions and words. I wasn't kidding when I said he needs to come off this bill. Somebody can go up and be a cosponsor on this bill and he can take his name off and it becomes that person's bill. It still has the priority on it and we can move this forward. But we are not moving forward a bill about protections against discrimination with the person who introduced it sexually harassing our colleague while she is trying to have a work conversation with him in front of the pages on the floor of this Legislature. So if the Speaker could come to the floor and we can pass over the bill, that'd be ideal, bring it back next week when somebody else is the cosponsor-- or is the new sponsor. Fantastic. It'll probably breeze right through. Well, it won't anymore because a new amendment has been added that creates all kinds of other issues. But the bill, as it is, would breeze right through. So if we want to do that, great. We can move on to the agenda. But since I don't see the Speaker or the Chair of the Exec Board on the floor, I'm guessing we're just going to ride this wave. So. No one should be treated this way in the workplace. No one. And I truly hope, colleagues, that you heard what Senator Hunt said. But to my female colleagues, to my female colleagues who are wearing red today, because women have heart disease at an exponential rate more than anybody else, Senator Hunt and I aren't going to be here next year. Senator Hunt, DeBoer, and I aren't going to be here next year, and we've got tales to tell from our time here, unfortunately. So to my female

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colleagues, I am sorry that I have not left this place in a better place than it was when I started. I'm sorry that we have made zero progress in shutting this kind of thing down. We were about to vote to expel one of our colleagues last month over sexual misconduct in this body. Enough is enough. And to my male colleagues, start standing up for us on the microphone. I will never forget, and I am very grateful, the day after Steve Halloran invoked my name while reading a rape scene on the floor of the Legislature, Senator von Gillern got up and he spoke out against it. And it still means something to me that he did that. So to my male colleagues, stand up, stand up for us because we deserve better, and Senator Hunt deserves better, and you don't have to agree with people politically for them to deserve better in the workplace. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senators Lonowski and Holdcroft would like to recognize some guests under the south balcony, they are Cynthia Smith and Brian Becker, mother and father of Anna Smith Ramirez, all of Hastings, and she is Miss-- Anna is the Miss Nebraska Preteen in the Princess of America pageant. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB721, LB903 to General File, both having committee amendments. Additionally, your Committee on General Affairs, chaired by Senator Holdcroft, reports the LB1001 to General File with committee amendments. And your Committee on Government, Military and Veterans Affairs, chaired by Senator Sanders, reports LR283CA to General File. Amendments to be printed from Senator Holdcroft to LB1001, Senator Hansen to LB1257, Senator Guereca to LB429, Senator McKinney to LB1112, LB960, Senator Kauth to LB538. Notice from the Natural Resources Committee designating LB759 as a committee priority bill. LR-- new LR, LR340 from Senator Jacobson. That will be laid over. And notice that the Executive Board will have an executive session in Room 2102 at 11:30; Executive Board now in Room 2102. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Returning to the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I do rise, I guess, in favor of the reconsider, but I wanted to make some comments about what Senator Hunt and Senator Machaela Cavanaugh had just spoken about. I don't know if everybody in the room was listening to what was being talked about on the mic or what was said to another individual, but I

just wanted to stand up and say that I think it's important that men in this body do stand with people who say those things-- or against people who say those things and stand with folks like Senator Hunt, who want us to be able to call each other out for that. The words that were said were not just inappropriate, but completely awful, and we have had an overtone this session of dealing with workplace harassment. And one of the things that I said in conversations about Senator McKeon was that I think it's really important for us as men in this body to hold each other accountable. And when we hear these things, either on the floor or in the hallways or in our offices or in the senators' lounge that we say something. Because for a very long time, sexual harassment in the workplace was something that people didn't feel comfortable talking about and people didn't comfortable reporting because it was just, for all intents and purposes, a joke to all of the men in the office. And women for a very long time were harassed, assaulted, belittled, called names, made fun of, not listened to, all in the name of what men in the office thought was good humor. What I think is being talked about here today is really important. And I don't want to detract from the very serious conversation about what's on the board with LB538. I think we can continue to have a conversation about that, but I wanted to punch in and share that I do think that those words are awful. I do want to share that I think it's important that we as colleagues call each other out and not just roll our eyes at it and move on. And I think it's really important that we, as a body, address this. There's a long-standing history of sexism and misogyny and sexual harassment in this body. And if you are in the Capitol for any period of time, if you've worked here, I've now been here, this is my fourth session, you hear stories about what used to happen here and what still happens on a regular basis: comments about what women staffers should wear, comments about women staffers' bodies, usage of language that is hypersexualized in workplace conversations, it's not uncommon. And the stories that you hear are appalling. And then you realize that they still happen. So I think we can continue to have a conversation about LB538. I do think that it would be important for us to debate that bill. But I, I just wanted to take a pause and say that I think it's worth having a conversation about what was said and what our reaction as a Legislature needs to be. And I think my fellow men in this Legislature need to do better in a number of ways. So I hope people are listening. When Senator Hunt shared what was said to her, I saw a number of senators' faces react in a way that implies to me they also think this is awful. It's not a political issue, it shouldn't be a partisan issue. You should be able to stand up for your colleagues and

your staffers, Senators. I think everybody deserves to feel safe in the workplace no matter who they are. And I really do think we need to be able to hold ourselves accountable in a better way. So I just wanted to stand up and say that. I continue to listen on FA960 and LB538. I know there's some other amendments that have been filed that I do think are problematic that certainly if adopted will cause me to be a hard no on LB538, but we may not even get to those. So with that, thank you, Mr. President.

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

JUAREZ: Thank you very much, Mr. President. I did want to speak in support of M0398 by Senator Cavanaugh to reconsider. I have been sitting here and trying to breathe because I'm very upset about the information that Senator Hunt shared. And what clearly comes to mind, when a student asked me in one of my conversations that I had this past year, when I get really angry what do I do? And I told them I try to breathe. I try to breathe to help myself. I find it extremely disrespectful how she was spoken to by Senator Hardin and she probably handled it far more professional than I would have ever handled it. Because if that had been said to me, everybody in this place would have heard my response because I would have been so mad. You know, I just can't believe after what we've been through previously this year-- and, mind you, this is only my second session, right, I still consider myself a freshman in the body, and it's just unbelievable to me. No matter what you think about on a bill that you present, yes or no, highly agree, highly disagree, we always have to be respectful to one another. And I shouldn't have to stand up here and remind this body about being respectful. We are adults in this room, adults that have been elected by our districts. And it saddens me that I even have to remind people about their behavior. But I will do it-- do that. And I want to be supportive of Senator Hunt because she has to be far more upset than I do. It wasn't said to me, and I'm upset plenty. But I just wanted to make sure that people be reminded of how we need to proceed the rest of the days here. And for some of us now, the days can't go fast enough. I yield the rest of my time to the Clerk. Thank you.

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

MURMAN: Thank you, Mr. Lieutenant Governor. I just wanted to get up and speak a little bit on the bill. This was voted out of the

Education Committee 5-2-1, and I think we should get back to the discussion of the bill. In testimony in committee, we had four, or excuse me, eight testified in favor-- proponents, zero opponents, and one person that was a neutral testifier. But those that testified as proponents, we had Combat Antisemitism Movement, Higher Power Church, Alpha Epsilon Pi, Combat Antisemitism Movement again, and a person testifying on their-- for their own-- by themselves, Anti-Defamation League, and also the Jewish Community Relations Council. So we did have a very positive hearing. Like I said, no opponents, only one neutral testifier on their own, and came out of committee 5-2-1. So I would like to get back to testimony on the bill. And I am opposed to the reconsider motion, in favor of Senator Hardin's floor amendment and his underlying bill. And by the way, it-- the bill was prioritized also by Senator Sanders, so out of respect for everyone here, I think we should get back to discussing the bill. Thank you, Mr. Lieutenant Governor.

KELLY: Thank you, Senator Murman. Mr. Clerk.

CLERK: Mr. President, it's my understanding between conversations with the primary introducer and confirmation from the Speaker of the Legislature, we'll be passing over LB538 and LB538A.

KELLY: So ordered. Please proceed.

CLERK: Mr. President, in that case, Select File, LB397. There are no E&R amendments. Senator John Cavanaugh would move to amend with AM1945.

KELLY: Senator John Cavanaugh, you're recognized open on your amendment.

J. CAVANAUGH: Thank you, Mr. President. And just for the, the record, the queue didn't clear. There we go. I was just-- I was going to punch back into the queue so I could talk again after. So-- well, I will speak to my amendment here, but we were talking on the last bill. And I, I appreciate Senator Murman trying to redirect the conversation to the substance of the bill, but I didn't want my first time to go by without addressing what was going on here. And people are rightfully upset and expressing their-- the outrage about what transpired. And, you know, we are a body of people who are, by design, supposed to have a difference of opinion and bring different perspectives. And to be dismissive and disrespectful to our colleagues based off of their gender or their race or their religion or their sexual orientation or

any of these things is abhorrent, but especially on a bill that it was specifically about the fact that people get discriminated against because of their religion is wild. And so I am sorry that this is where we are at today and in this conversation, but I would say Senator Hunt is a serious legislator who has done some very good work in her almost 8 years here and deserves to be taken seriously when she raises an issue that is thoughtful and well-reasoned and well presented, even if you disagree with her, that she brings a very coherent perspective that needs to be listened to and does improve the conversation and the situation of bills. And so very upsetting that that's how-- that Senator Hardin treated Senator Hunt when she brought her concerns to him about that previous bill to him and to be-- act that way. So I, I don't know what else to say at the moment. I'm still-- I just found out just like-- well, like the rest of you, so I'm still processing. But I'll move on to the bill at hand for the time being. This is-- LB397 is a workplace safety bill and my amendment, AM1945, is a-- it's a simple bill, simple amendment. Essentially, what LB397 does is it eliminates the requirement of a state workplace safety committee in the Department of Labor. And we had on General File this conversation about what this really does, the fact that the, the Department of Labor is not doing this currently, and that a lot of employees is basically redundant or repetitive of what OSHA does. And so that-- those are-- that's the intention of the bill is to eliminate the duplicative nature of these workplace safety commissions. The thing that came out on General File was that public employees in Nebraska are not covered by OSHA. So OSHA is the National Occupational Workplace Safety Administration and it has purview over workplaces and can investigate and generally comes into a workplace after something has happened. So we saw this in the instance of a factory that exploded in Fremont. We saw this in the instance of the young man who died on Governor-- one of Governor Pillen's farms. They come in after the fact and investigate. And they do this and those are public-- private sector employers. They do not have authority in Nebraska over public sector employees because Nebraska does not have a work-- a OSHA workplace safety plan, meaning we didn't incorporate OSHA into our workplace safety. So what this bill does is eliminates the state-level supervision. So the state-level supervision is where the Department of Labor creates a workplace safety commission that is empowered essentially to go into workplaces and ensure that they are in compliance with OSHA standards. And so the bill, as drafted, LB397, would eliminate that entirely and-- for both private and public sector employees. There's a large number of public sector employees in the state of Nebraska who are currently covered by this protection that

will no longer be covered if we pass LB397 as adopted. So I consider this a friendly amendment. I did talk to Senator Moser about it and hopefully he'll ultimately agree. But what it does is just leaves in place striking the language for private sector employees but reinstates for public sector employees. And, and, basically, just puts them back to where they are. So, you know, as we're navigating this legislative session, I think it's really important that we not eliminate workplace protections for public sector employees. I, I think that the goal of this bill is to eliminate some redundancy, duplication of government, you know, whatever you call it, red tape and things like that, that are unnecessary and being served by, by OSHA. And I think that is, is a, a fine goal, but that we need to ensure that our firefighters, our police officers, our public works folks, the people who are plowing our streets, who are paving our streets, that those people are-- have some workplace safety protections, which they are not afforded by OSHA. And I-- so that's, that's the crux of this amendment, and I would ask for your green vote. I think they'll-- other folks have things to say about this, but I-- I'll take a minute. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Revenue, chaired by Senator von Gillern, reports LB954 to General File. Additionally, a motion to be printed from Senator Machaela Cavanaugh to LB538. Senator von Gillern, LB441, amendment to be printed. Name adds: Senator von Gillern to LB838; Andersen, LB1087; and Ibach, LB1165. And a priority motion, Senator Glen Meyer would move to adjourn the body until Monday, February 9 at 10:00 a.m.

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