

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 9, 2024

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

HARDIN: Heavenly father, we praise you. Your thoughts are higher than mine, and your ways are higher than mine. We confess that we, we need you. We have great intentions. They fall short. The things we do, we do flawed. We're broken, and we need your help. We thank you for this day. It's the only today we get. We thank you for health good enough to get us here. We thank you that this world is not all there is. We thank you that you have provided for our brokenness. We thank you for the cross. We thank you for the empty tomb. We thank you for your spirit who dwells within. We thank you for each moment, and living with us in those moments. And we come to you and rely on you. We ask for your direction. We ask for wisdom. The right application of knowledge, and the courage to do it. And we pray all of these things in Jesus' name. Amen.

KELLY: I recognized Senator Lowe for the Pledge of Allegiance.

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

KELLY: Thank you. I call to order the fifty-seventh day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections, sir.

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

CLERK: Mr. President, there are. Your Committee on Enrollment and Review reports LB1300, LB13A [SIC-- LB1300A], LB686, LB1195, 6-- LB62A, LB1317, LB1317A to Select File, some having E&R amendments. Your Committee on Enrollment and Review also reports LB20, LB20A, LB52A, LB62, LB71, LB71A, LB164, LB164A, LB358, LB358A, LB874, LB904, LB904A, LB934, LB1031, LB1031A, LB1073, LB1074, LB1074A, LB1301, LB1301A, LB1335, LB1344, LB1368, LB1368A as correctly engrossed and

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placed on Final Reading or Final Reading Second. That's all I have this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Machaela Cavanaugh would like to recognize the physician of the day, Dr. Lillia Cherkasskly of Omaha. Please stand and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR445, LR446, LR447, LR448, LR449, LR450, LR451, LR452, LR453, LR454, LR455, LR456, LR457, LR458, LR459, LR460, LR461, LR462, and LR463. Senator Arch, you're recognized for a message.

ARCH: Thank you, Mr. President. Colleagues, just a quick reminder. Today's lunch hour is an hour. It's not an hour and a half. We will break between 12 and 1. We'll be back here at 1:00. We need that half-hour. And tonight, I am assuming, is going to be a late night. Because what's going to have to happen as we go through these Select bills, they're going to go upstairs for the Revisors to work through. Those bills have to come back to us before we adjourn. We have to have a quorum at that point. And we have to-- we have to allow those to be-- to be brought to the floor so that we can have our layover day. So I say just-- I just wanted to let you know what's coming. It, it's going to be a late night tonight and only one hour for lunch today. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. Mr. Clerk, please proceed to the agenda.

CLERK: Mr. President, Select File, LB62A. There are no E&R amendments. Senator Dorn would move to amend with AM3390.

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

DORN: And I will yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, you have 9 minutes and 55 seconds.

M. CAVANAUGH: Thank you. I will not need that time. So this is the amendment we moved, LB62, from Select to Final last week, and this is just the A bill catching up. It was a shell bill previously, and Senator Dorn filed the amendment for me this morning. It is appropriating \$11,470 from the general funds for some technology updates to do the Medicaid reports. Thank you, Mr. President.

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

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KAUTH: Thank you, Mr. President. Can I ask Senator Machaela Cavanaugh some questions about this?

KELLY: Senator Machaela Cavanaugh, would you yield?

M. CAVANAUGH: Yes.

KAUTH: So when we discussed this on General File, the, the goal of your bill is to move translating services from the managed care providers to DHHS, correct?

M. CAVANAUGH: No, it--

KAUTH: Did we change that?

M. CAVANAUGH: No, this is to use the Managed Care Excess Funds to pay for the translation services that are being provided by doctors currently.

KAUTH: OK. So, so it's tapping into Managed Care Funds because that is part of the contract, correct?

M. CAVANAUGH: It is part of the contract that they can offer these services. They don't have to offer these services. And it is coming at a cost to the medical community. And I'm not talking about major hospitals, I'm talking about small town doctors who need to have translation services for their patients. And it is not being handled quickly or efficiently. And it's costing the providers more money of canceled appointments and rescheduling and delayed health care access. And so since there is the excess fund, it is a more streamlined way to reimburse the providers directly for these services.

KAUTH: So it's not going to be paid by DHHS, correct?

M. CAVANAUGH: Nope. It is paid by the Excess-- Medicaid Excess Fund.

KAUTH: OK. Thank you.

M. CAVANAUGH: Yep.

KELLY: Thank you, Senator Kauth. Seeing no one else in the queue. Senator Dorn, you are recognized to close. And waive closing on the amendment. Members, the question is the adoption of AM3390. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

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KELLY: AM3390 is adopted. Mr. Clerk.

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

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB62A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB62A is advanced for E&R engrossing. Mr. Clerk.

CLERK: Mr. President, Select File, LB1344A. I have no E&R amendments. Senator Wayne would move to amend with AM3352.

KELLY: Senator Wayne, you're recognized to open on your motion.

WAYNE: Question. Oh, not yet? OK, sorry. This is just a simple A bill. A simple A bill to catch up. It actually reduces the overall-- the amendment reduces it, the overall impact by a little bit over in half. Thank you, Mr. President.

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

CLERK: Mr. President, Senator Wayne would move to amend with FD-- the amendment with FA398.

KELLY: Senator Wayne, you're recognized open on the floor amendment.

WAYNE: Again, the amend-- this amendment is to clarify-- is to cut the overall fiscal note. It's less than \$1 million, like, some \$800,000-- not even that. \$600,000. So it cuts it over in half. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Seeing no one else in the queue. You're recognized, Senator Wayne. And waive closing. Members, the question is the adoption of FA398. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: FA398 is adopted. Seeing no one else in the queue. Senator Wayne, you're recognized to close on AM3352. And waive. Members, the question is the adoption of AM3352. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted.

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

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

BALLARD: Mr. President, I move that LB1344A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, General File, LB1363. It's a bill for an act relating-- introduced by Senator McDonnell. It's a bill for an act relating to revenue and taxation; changes provisions relating to the rate and disbursement of the documentary stamp, the Military Base Development and Support Fund, the Nebraska Film Office Fund, the Innovation Hub Cash Fund, and the Economic Recovery Contingency Fund; harmonizes provisions; provides an operative date; and repeals the original section. The bill was read first time on January 17 of this year, and referred to the Revenue Committee. That committee placed the bill on General File with committee amendments. Mr. President, pending at the time the Legislature left the bill was the committee amendment itself due to a reconsideration motion from Senator Wayne.

KELLY: Senator McDonnell, you're recognized for a one-minute refresh.

McDONNELL: Thank you, Mr. President. Good morning, colleagues. In that time, and since I have just one minute, I will punch in to, to talk longer, but the-- I want to thank a number of people, and one is Senator Clements. You'll see that we have had discussions which we started on earlier was about the idea of the inheritance tax and what can we do with the counties. And at one point those discussions had, had stopped. And working with Senator Clements, we have decided to amend, and you'll see that in AM3399, that now the inheritance tax is part of this dollar at \$0.65. The counties are now on board with the amendment. We currently have the \$0.35 in the documentary stamp that was placed in this-- in the bill based on an amendment from the Revenue Committee. So the \$0.35, I'll, I'll go through that breakdown also of, of where those, those dollars are going. But I want to start off by thanking the people that I've worked with.

KELLY: That's your time.

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McDONNELL: Senator, Senator Wayne, for reconsideration, to keep this bill alive.

KELLY: That's your time, Senator.

McDONNELL: Thank you.

KELLY: Thank you, Senator McDonnell. Senator Linehan, you're recognized for a one-minute refresh on the committee amendment.

LINEHAN: Thank you, Mr. President. I wasn't prepared for this. I should have been. Would Senator McDonnell yield to a question?

KELLY: Senator McDonnell, would you yield?

McDONNELL: Yes.

LINEHAN: Senator McDonnell, I think you've had a very busy weekend, as have I. Have you had discussions with Senator Clements about a way forward on this bill?

McDONNELL: Yes. And based on the numbers as of Friday, we thought we were going to be at \$0.55 by Friday evening. We had found out, again working with the, the counties that their, their comfort level was at \$0.65. So over the weekend, we did shave a few more cents in, in a number of different areas to get-- keep that total within a dollar. So yes, I've had a number of discussions this morning and yesterday with, with Senator Clements and others. And we believe we have something that takes a step further-- takes a step into the future by eliminating inheritance tax.

LINEHAN: So what I would ask is for everyone to--

KELLY: That's the time, Senators. Senator Wayne, you're recognized for a one-minute refresh on your motion.

WAYNE: Thank you. I filed the reconsideration so we could allow some negotiations. From what I understand about the agreement, I'm still not in favor. As long as the iHub is in there, I will be opposed to this bill. And thank you, Mr. President.

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

WAYNE: Thank you, Mr. President. Colleagues, there's a couple of things. One, I wasn't a part of any negotiation, which is

interesting, since I'm the one who did the reconsideration to allow for the negotiation. But nevertheless, Senator McKinney brought iHubs three years ago. We passed the bill. The purpose of the iHub was to create a mechanism to allow small businesses and communities to focus on innovation. Since then, there have been three iHubs that are established, one in Lincoln and two in Omaha. We have approximately \$30 million in the Omaha area through the inland port. That will allow for Innovation District to bring in those iHubs together and creating some synergies around there. LB1344 is a bill that touches iHubs, but it does so to open it, the applications back up for the rest of the state. But at the end of the day, to establish a permanent funding source, while as much as I appreciate that, I think we have to figure out what iHubs are doing before we already do that. And so, I will be adamantly opposed to this bill if the iHubs are in there because, one, I don't think we should be taking money from a doc stamp to putting it into something else like that. I might be open to an idea and palatable to an idea of using what's labeled for an iHub to go to an inland port, because most of your inland port districts, such as the one out by North Platte, while they're generating in Hershey's jobs, there is a need for housing, so I can see how we can put a housing component in an inland port and make it work. But at the end of the day, we're talking about a sales tax increase for your homes. When you sell your home, you're going to pay more. And the purpose of that whole entire trust, the doc stamp, was to help with affordable housing and to help with more housing. There is a behavioral health component that was established years ago, that's still there. But I just-- I'm not in favor of moving this money to an iHub when iHubs currently have not proven themselves to get more funding than we've already set aside two years ago. And so that just doesn't make sense for us to do that, and I'm adamantly opposed to that. In addition, I believe one of the amendments I hear talking about is for qualified health centers, particularly the one in Omaha. We just gave them a lot of money through the-- through the grants. Charles Drew got \$20 million, and OneWorld, I believe, got \$17 million, roughly. I could be wrong. I'm looking at Vargas, but he's looking at his phone. But one-- oh, he's getting the number. So we already gave the qualified census-- health community centers, or Qualified Health Centers in Omaha significantly a lot of money through our grant program that this body already approved. So a-- \$20 million to OneWorld. So both of the ones in Omaha, total, got \$40 million. That's 20 each, one for north and one for south. And so I don't know about establishing a permanent funding right now until we see what they did with the current money that's going on. And so to me, it's just, I think, being fiscally smart not to do that. And so

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if Senator McDonnell is willing to strike those two provisions, or on the one with the iHub, talk to Senator Jacobson and myself, maybe, about inland ports, because he has one that's already blooming out in North Platte. I know Grand Island, with Senator Aguilar, is either establishing or trying to establish one. And remember, this funding can't go to Omaha's iHub that just-- they just applied for. Because in the bill that I have, Omaha can't even apply for these funds for 3 to 4 years. And that was the balance that Senator Jacobson and I did to make sure Omaha wasn't going after the money we set aside already for western Nebraska. So, again, I think there's some things we got to work on. I'm willing to work on it from General to Select only if I get a commitment right now that those things will be removed. Thank you, Mr. President.

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

KAUTH: I yield my time to Senator McDonnell.

KELLY: Senator McDonnell, you have 4 minutes, 55 seconds.

McDONNELL: Thank you, Mr. President. Thank you, Senator Kauth. So just a, a couple kind of refresher of where we are right now, where we currently are, based on the, the doc stamp is the counties receive \$0.50; affordable housing, \$0.95; site and building fund, \$0.25; homeless shelters \$0.25; behavioral health, \$0.30. So we've-- what I've added was the military support for \$0.05, the iHub for \$0.08, grant services for \$0.05, federal qualified health centers, Centers for \$0.03. We totally eliminated the Film Office because Revenue had worked on, on that, during their-- some of their hearings. So where we're at is we were going from \$2.25 to \$3.25. Senator Clements is actually handing out this document. And, of course, as I started off, the \$0.65 for the, the counties based on, the step forward to eliminate inheritance tax. Now, of course I'm going to work on it with all of you between General and Select. And also, I really appreciate Senator Wayne with his reconsider motion the other night, because at that point he was opposed to it, but at least he, he kept the discussions going. So I'm going to talk, but I'm, I am adamant about the-- what we're trying to do here and what we've been working on since the fall and going through the different-- the different programs, and looking at the-- just the military funding, and I can talk more about this, was the idea that you have 2,000 people separating or retiring from Offutt Air Force Base every year. The SkillBridge program, which-- SkillBridge programs give the opportunity of the military to pay Jane Doe that's leaving the

military. For six months before they leave, they are considered with full pay and full benefits from the military. But they come into our community and they start working, let's say, as an accountant. The point is that the partnership gives six months, six months experience paid for by the military before they leave their service to our country. But it also gets them ready to have a job upon being discharged from the military and stay within our community. So that's just a real exciting program that's been going on around the, the country. Across the country, with the iHubs and looking at the investments people have made, fed-- federal government has authorized \$10 billion to community iHubs that support and can be leveraged locally. Generally, that net job growth comes from that entrepre-- entrepreneurship. Looking at what's happened over the last ten years, used leverage of \$83 billion that's available from the federal government over the last ten years. So going through the grant office. And the grant office, the reason we, we put dollars towards that-- and this, this has been agreed upon by the Governor's team. And again, it started working on it towards the last summer and into the fall, was the idea that last year, approximately \$2 billion that we could have applied for that we did not from the federal government. Not saying we would have received all those \$2 billion in, in grants, but at least we would have had a grant office that was paying attention to that, applying for it. And that was pretty much the number one issue and, and, and priority with the Governor's Office, and logically so. So working through where we were with the dollar, talking about, again, the only thing that's not being included now is the Film Office, but looking at trying to have some funding that's sustainable going into the future. And the last time that this was adjusted was 2005. If you look at just the CPI since 2005, this has gone up 57% for the, the cost of living since 2005, when it was adjusted to \$2.25. This started in 1965, \$2.25 for \$1,000 valuation. But again, over this time frame, since 2005, it's gone up 59% with the the consumer price index.

KELLY: One minute.

McDONNELL: So looking at what we were trying to do, what we still are trying to do with these programs, and, and knowing that we cannot tie the hands of the next Legislature. If the counties come back and say that, OK, the \$0.65 did not work, or potentially with the inheritance tax and what's going on-- and this was an average of five years with the inheritance tax for the counties, what they looked at for their potential loss. Then we adjust it down or we adjust it up. And that's not for me and some of us others that aren't going to be here, but for you going forward and other, other other people sitting in these

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desks, they can always look at that and, and make adjustments based on the, the data and where we are throughout the state in the future. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I was wondering if Senator McDonnell will answer some questions.

KELLY: Senator McDonnell, will you yield to some questions?

McDONNELL: Yes.

DeBOER: Senator McDonnell, I'm not entirely sure what you were saying with respect to some of these changes. The \$0.65 that's going to the county? I thought we weren't going to do-- I thought Senator Clements said we weren't going to do the inheritance tax. Is that to offset the change, or not the repeal, or, or what-- what is that \$0.65 meant to offset?

McDONNELL: Inheritance tax. So you're correct, there--

DeBOER: They changed? Go ahead.

McDONNELL: There was discussions early on with Senator Clements and others and, and the counties. What we did based on when we had the reconsideration motion and, and stopped the discussion the other night was I started working with Senator Clements and the counties and saying, can we still rescue the inheritance tax? But when I say that, can we still take a step forward of getting-- eliminating the inheritance tax? And they came back with the dollar-- first was \$0.55. Now, I don't want you to confuse people--

DeBOER: Wait.

McDONNELL: --but cur--

DeBOER: Can I stop you there?

DeBOER: Yeah. Go ahead. Good.

DeBOER: So when you say you still want to be able to talk about getting rid of the inheritance tax, you're-- you think that's still a live bill?

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McDONNELL: We are amending-- well, if you look at, and I should have said this, I thought I did at the beginning, look at AM3399 that has the discussion about the inheritance tax. It's an amendment that we placed on this. Going from the current handout that you'll see that Senator Clements handed out, currently, the counties are, are getting \$0.50. We're moving them up \$0.65 to \$1.15.

DeBOER: I, I get that that's the offset money. What's happening to the inheritance tax? Are you putting--

McDONNELL: Oh, OK.

DeBOER: --ones and twos together, or what's, what's happening?

McDONNELL: Yeah. So we are reducing it, current-- the current numbers, we're reducing it down to, to 8%. So currently on the reduction of the inheritance tax rates of Class II and Class, Class III is the beneficiaries to 8%, down from 15%, and, respectfully, another 8%, down from 11% on, on the Class-- on the Class II. So we're dropping it from, from 15 and 11 to 8.

DeBOER: All right. So that answered my question there. Then my general question is by changing the dollar-- adding a dollar to the doc stamp, that's a dollar per thousand dollars of the price of the house. Is that correct?

McDONNELL: So basically you can look at every \$0.05 is valued at \$874,000.

DeBOER: But if I'm buying a house or if I'm selling a house, I pay a \$1 per \$1,000.

McDONNELL: Yes.

DeBOER: So if I'm selling a \$300,000 house, I'll pay \$300.

McDONNELL: Yes.

DeBOER: I mean, this will, incrementally, but it will raise the valuations of the homes because they'll have to sell them for a little bit more. Is that right?

McDONNELL: Potentially. Potentially, it's been going on since 1965. But we are raising it from \$1.25 to \$2.25 for a total of a dollar. So that will impact it, yes.

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DeBOER: OK. All right. I'm still thinking about this. Thank you.

McDONNELL: Yep.

KELLY: Thank you, Senators. Senator McDonnell, you're next in the queue.

McDONNELL: Thank you, Mr. President. You want to go ahead and-- so. So, yeah, I know-- I know, this is-- this is somewhat confusing and where we were, but also trying not to give up on the inheritance tax. So we start off with a bill that was going from \$2.25 to a \$1.00. And as I mentioned, you can look at these handouts now that Senator Clements gave you that approximately each \$0.05 is worth about \$874,000. We've got the agreement with the counties now on the inheritance tax at \$0.65. So the original bill I introduced was \$1.00. Revenue Committee dropped it down to \$0.35. And the things that were listed were-- that was included was the military support that I just went through with the, the, the SkillBridge program, the iHub, the grant services, federal qualified health centers, no more Film Office. So that adds up to \$0.35. The \$0.65 is based on trying to take that step to eliminate the inheritance tax. So again, the documentary stamp, the history on it based on going back to, to 1965. There was-- the documentary stamp began. It was a cornerstone of some state's financial strategy. Then the, the last time there was a discussion-- maybe not a discussion, but an adjustment-- was 2005, where it was moved to \$2.25 per \$1,000 evaluation, highlighting our commitment to addressing the community needs and promoting statewide growth. That's given a 59% increase in the consumer price index since 2005. This amendment proposes a modest increase in the documentary stamp. This adjustment aims to generate sustainable revenue for our counties and facilities, a significant reduction in the inheritance tax, thereby balancing the needs of the Nebraskans with the fiscal responsibility. So we will continue to work on this here in the next couple days between General and Select. What I'm asking is for you to give us that opportunity. And this is a-- this is a lot to digest, but I also appreciate Senator Clements and, and others that were passionate and working on the inheritance tax throughout the years. And I was-- I was willing-- I told them early on in the session that I was also supportive of in-- of in-- eliminating the inheritance tax. And here at the end of our, our 60-day session, here we have an opportunity. There's been a lot of compromise for the people that had worked on this. Again, having the support of the Governor and, and his team has been very helpful. But people have made adjustments. And if you look at those adjustments, again, going down to the military support at \$0.05, the iHub at \$0.08, the grant services at \$0.05, the

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federally qualified health centers at \$0.03, and totally eliminating the Film Office, that's how we, we got-- we, we created the opportunity for, for more revenue to help offset the inheritance tax. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I re-- I support the reconsider motion, and we're going to need to get to AM3399, which is what's being discussed, so I'll keep it short. I'm going to support the amendment. The inheritance-- I did give Senator McDonnell my inheritance tax bill, and he incorporated in with the doc tax bill. The inheritance tax proposal that I had was going to be 1% for children, 5% for nieces and nephews, and 5% for all others. There isn't enough-- there's too much of a revenue drop, so this amendment will have 1% for children, 8% nieces and nephews, 8% all others, which is about a 9.5% reduction of inheritance tax expense overall. And the-- and so the amendment AM3399, that's-- my calculation's about an \$8 million loss to the counties. This doc tax provides \$11 million more to the county, so it more than-- more than restores the revenue lost by these inheritance tax rates. And so I-- but I also am going to have some heartburn on the iHub. I spoke of that earlier, but I'd like to get this to Select and see if we can negotiate some of those other details. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I too have concerns about the \$0.35 that would go to the iHubs. And like Senator Clements, I am going to support the bill to Select, but I will oppose the bill on Select if indeed there's money going to the iHubs at this point. My primary concern is that I support getting the inheritance tax reduced. I've said that before. I also, as much as I know there are many who do not like raising the doc stamps, they haven't been raised for a long time. I think as what's been accurately pointed out. The doc stamps are paid on the seller side, not the buyer side, so it doesn't impact the cost of purchasing the home. There are some people that are saying, well, the seller's going to raise the price of their house. Well, good luck selling it, because houses are going to sell generally at the appraised value. Yes, there are people that are making offers above appraised value. But when it comes to lending, we're going to loan a percentage of the appraised value. That tends to get people back to the appraised value. If you look at from that

standpoint, if you raised inher-- if you raised property taxes as a result of eliminating the inheritance tax, we're going to certainly raise the cost of housing to the buyer. And I think that's where we all should have concern. So my point with this is that I believe that the counties are currently collecting \$0.50 of the \$2.25, or the 2.25 inheritance tax, or, or doc stamp rate that's out there today. If we're going to get-- collect any more, it needs to go to the counties where the doc stamps are collected, OK, where the doc stamps are collected. This \$0.35 would mean that Lincoln County and all the counties in my district would be paying \$0.35 and sending it to Omaha. They're not going to like that. I don't like that. Right now, the doc stamps are predominantly paid, kept in the county, or it's going to affordable housing for the most part, and then we do benefit from that as the way those dollars are distributed. So I have concerns about where the dollars would go. I have concerns that the iHubs aren't ready for new funding at this point. And I would tell you, if we're going to do anything, as Senator Wayne pointed out, it ought to be eligible-- we ought to be making the, the inland ports eligible. But at this point, the challenge in front of us is how do we get the inheritance tax ultimately eliminated? As Senator Clements indicated, these dollars would be sufficient to more than offset what he's proposing in the step down of the inheritance tax. But let's remember that the goal is to eliminate the inheritance tax altogether. And, and there is a limit to what you can do on doc stamp fees. So I would be adamantly opposed, kicking and screaming, on any money being diverted anywhere other than the counties or the current uses of doc stamp fees. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Aguilar has some guests in the north balcony, fourth graders from Trinity Lutheran in Grand Island. Please stand and be recognized by your Nebraska Legislature. Senator Dover, you are recognized to speak.

DOVER: Yeah, I've been licensed since 1983, as-- with my real estate license. This is one industry I do understand. And I would just stand up and speak in opposition to any increase in the doc stamps that does not going toward housing. I've heard different arguments. I've heard the dock stamps haven't been ri-- raised in a while. Well, who believes that for a second? The doc stamps are based on the sales price of the house. It was \$2.25 per \$1,000 they're part of. And have everybody noticed what's, what's going on with hou-- home prices? There is no way anyone can make an argument that the doc stamps haven't gone up in a while unless they're making a weak argument and speaking specifically to the, the amount that is charged. But doc stamps have gone up, they will continue to go up. I have a bill that

didn't make it out of committee. I'll be bringing it back next year. It's, it's-- I think people talk about housing, so I would say this is-- on a number of levels I would speak against this. So if you re-- do we have housing-- is a housing a problem in Nebraska? Well, we all know it is. So why are we going to tax houses? I like-- I like when we can, if we're going to tax something let's benefit it, right? So let's tie the doc stamp to housing. And so in my bill, what it does, it's \$0.25. That's basically on \$1 million home. I think that's somewhere around-- well, I think \$350. And so that does increase the cost. And I would-- I would fight that too. But the thing is, the money goes to only one thing in a separate trust fund because I don't want to mix it in the other trust funds because the money mi-- gets commingled and spent on different things. The best bang for your buck is down payment assistance. There's a lot of people out there that can qualify for the loan, but they don't have the money. So I would-- I would sincerely ask everyone to vote this bill down and wait until next year for those that will be there, and support my bill, \$0.25 for a down payment assistance. And I would just-- I look over this. I mean, I understand-- I believe I understand, I won't speak that I do understand, but I think Senator McDonnell is basically looking for a funding source, as we all do for our bills. And if these things-- I think these things are important, but if these things are important, why can't we fund them with general funds? Why can't we fund them a different way than going into doc stamps? Again, I also agree with Senator Jacobson. The inheritance tax is, is not fair. It needs to go away. This is not the way to do it. Doc stamps is a tax to the seller upon the sale of their house based on the purchase price. The doc stamps need to go toward housing. And so again, I would ask you not to vote. And here's the thing is, we're having a conversation this morning how we, we take bad bills. We try to make them better. I mean, there's certain things I think that we can agree on, and there are certain things perhaps that shouldn't be done. And I think we need to look at kind of generalities to a degree. I think that helps makes good decisions. And I'll say the generality is this: doc stamp as a tax on houses should only go to benefit houses. So again, I'd ask you to not move this bill forward. It's a bad bill. We just need to end it here. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues, I rise in opposition to AM3250, LB16-- LB1363, and the pending AM3399. Last week, the speaker made an announcement that any addition of a bill at this stage would jeopardize a bill moving forward, which is

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why I oppose-- well, I oppose AM3399 because I oppose the inheritance tax, but I also oppose that we must be consistent. And if we're not going to allow other bills to be amended onto a bill at this stage in the session, then that should be true for everyone, not just some of us. I rise as opposed to the doc stamp increase and the utilization of the doc stamp for a couple of reasons. Taking you back to when we debated the budget, this is continuing to fund government functions through fees. We saw the Appropriations Committee put forward a budget that cut funding to behavioral health, and now we are going to use the doc stamp to fund behavioral health. This is a systemic issue that we are trying, or this administration is trying, to fund government by saying that they have lowered government's General Fund spending, lower income taxes, but they are still funding things fully because they are putting it through fees, which is no different than a sales tax increase. We should not and cannot fund government through fees and taxes. It's disingenuous way of saying that we are lowering taxes and that we are lowering our spending. We are not. We are just shifting it from here to here. So I will be opposed to this motion to reconsider the amendment, the pending amendment, and the underlying bill. Thank you, Mr. President.

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

VARGAS: Thank you very much. I do want to thank Senator McDonnell for two reasons. One, I had a conversation before the end of this when we first started talking that I wanted to see more investments into housing. And second, I didn't support the bill in its current form. So I know he understands that, we've always had a respectful conversation. But at the end of the day, I'm not in support of the recons-- I'm in-- I'm not in support of the reconsideration motion. I, I do want to give the opportunity for negotiation because I think if you're increasing the doc stamp tax, more money should be going to housing. And as it stands right now, it looks like \$0.10 of the dollar is going to-- or a little bit more than-- let me make sure I'm getting the right number here. No, it is. \$0.10 of the dollar increase is going to housing, to Senator Dover's point. And I would want to see more of the money going to housing if you're going to be putting this fee or tax on homeowners. For the dock stamp tax increasing, it should go to more affordable housing and not to offset for the inheritance tax. And I do raise the same concern that, regardless of where you are or not on the inheritance tax, that it itself is a separate bill that is being amended onto this bill. And I was under the assumption that that wasn't going to happen here starting this week. The amendment that Senator McDonnell's worked on,

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I'm not necessarily in support of it. I think I'm opposed only right now because it includes some of the language that Senator Wayne mentioned about the iHub. And again, not enough is going to housing. I know there's some other things in here which I do support, and, and that would be great. I think this is a good opportunity, if we were going to put more money towards housing, that you could increase this another \$0.15 on the Affordable Housing Trust Fund and create sub-programs for Rural and Middle Income. And then you can put some new money into those programs. I have said that to Senator McDonnell. He was open minded to it, it's just whether or not the committee was. But the reason I was against the, the bill, the existing amendment revenue is it actually was less money for affordable housing and created a couple subsections. And so less money was going to affordable housing. And there still was a, a clarifier that, that needs to be split evenly among congressional districts, the Affordable Housing Trust Fund. So that's why I was originally against LB3250, and I'm still against that. But I wanted to make it clear, if there is a negotiation that's happening, I would want to see more funding, not a lot more funding, but \$3 million, \$4 million more that can go to the Rural and the Middle Income Workforce Housing would be great. I think that would be a good step. I'm not opposed to the other components. But I just wanted to make sure that was clear on my opposition, and not filibustering. Just wanted to put it in the record. And I appreciate Senator McDonnell's work on it, and, I wanted to make sure to put that on record. Thank you.

KELLY: Thank you, Senator Vargas. Senator McDonnell, you're recognized to speak.

McDONNELL: Thank you, Mr. President. I also thank you, Senator Vargas. He ha-- we've had discussions on this, and, and, of course he's always been passionate about the housing issue. And, and again, having those discussions, hopefully having the opportunity between General or Select if. If we can move it to Select, I would definitely continue to talk with Senator Vargas about that. So I, I also want to apologize for possibly misspeaking and causing some confusion, is we did not take Senator Clement's bill and just combine them. We did-- we did not do that. Is there definitely parts in the concept of Senator Clements bill to eliminate inheritance tax? Absolutely. But that's not something we did, but through the, the negotiations and bringing up different ideas, and it wasn't only Senator Clements asking, as you see in the, the, the total package here with the documentary stamp amounts. But I just want to make sure that's clear. Senator Arch, would you yield to a question?

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KELLY: Senator Arch, will you yield?

ARCH: Yes, I will.

McDONNELL: Do, do you believe that based on the work we've done, and I know we've kept you appri-- appraised of what we've been doing, and, and you've had some feedback that we've-- procedurally, we've done this the correct way, and, and based on also following the direction you've given us, all of us, working on bills and combining them?

ARCH: Yes. Thanks for the question. I, I want to clarify my-- I want to clarify my announcement from last week because I think there's some-- there's been quite a bit of discussion about it even this morning. What I asked last week was that when you have a bill on the floor that you not allow, and that, and that others do not take another bill and amend that bill into your bill, regardless of germaneness, on that-- on the floor. So because the constraint that we have is Bill Drafters, and I mentioned it this morning. We have to wait until Bill Drafters bring these bills back. It-- an amendment that is drafted upstairs to a bill has already been checked in that way. Attaching another bill onto a bill on the floor, amending that onto-- a full bill onto the floor-- it sounds simple. It sounds like a cut and paste. And that was my understanding, is you, you just take that bill and you just amend it in, into that bill. The problem is that when they start to integrate that bill, they have to check all those references. And we have bills upstairs that are 140 pages right now. So my request was not to take a full bill. That is not what Senator McDonnell is doing. He has an amendment where he's taken approximately 50% of language from another bill. That amendment is already folding in. He is not amending another bill onto his bill on the floor. And I just wanted to make that distinction because I know there's been some confusion. Thank you for the question.

KELLY: Thank you, Speaker Arch. Senator McDonnell, you have 2 minutes, 8 seconds.

McDONNELL: Thank you, Mr. President. Just following up with what the Speaker mentioned. AM3399 is where we're trying to get today. Again, going back, I appreciate Senator Wayne's reconsideration to continue the discussions. What the Revenue Committee originally worked on with the, the \$0.35 increase going back to AM3250. But what we're talking about today is not up on the board yet, it's AM3399. So what I'm asking is for us to get there, have the support for that, move it

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onto Select, and continue the, the discussions. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Dover, you're recognized to speak.

DOVER: Yeah, thank you. I just wanted to clarify some numbers here. I think I might have quoted the incorrect number, but. Basically, if we look at two homes, I think they're probably good numbers to use, \$500,000 home and a \$1 million home. And \$1 million home currently, the doc stamp would be \$2,250. And obviously, on a \$500,000 home, it would be half of that at \$1,125. The proposed increase, doesn't matter whether it's a \$1 million home or a \$500,000 home, is a 44% increase. Can I repeat that? A 44% increase in doc stamps. You know, at a time when we're talking about housing affordability, do we want to increase any component at 40-- at 44%? Do we want to increase this cost at 44%? I don't believe so. That's why I was so careful in my bill to do minimal-- and basically my bill, just so you know, because I am proposing a doc stamp increase that again goes toward housing. On a \$500,000 house, it would be \$125. On a \$1 million home, it's simply a \$250 increase as opposed to the increase proposed here. So again, on a number of points, I would say this, is if we're going to increase the cost of housing, it needs to go to housing. And do we really want to increase the cost to the seller of selling your house on a doc stamps by 44%? I think no. I think we need to vote this bill down. Thank you.

KELLY: Thank you, Senator Dover. Seeing no one else in the queue. Senator Wayne, you're recognized to close on the motion to reconsider. And waives. Members, the question is the motion to reconsider. 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: 19 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return and record your presence. All unexcused personnel, please leave the floor. The house is under call. Senators Armendariz, Halloran, and Hughes, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Members, the vote was open. Senator Wayne, would you accept call-in votes? Mr. Clerk.

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CLERK: Senator Slama voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator DeKay voting yes. Senator Riepe voting no. Senator Halloran voting yes. Senator Wayne voting yes. Senator DeBoer voting no. Senator Vargas voting no. Senator Blood voting yes. Senator Albrecht voting yes. Senator Moser voting no. Senator Dungan voting yes. Senator Hansen voting yes.

KELLY: Record, Mr. Clerk.

CLERK: Mr. President, 25 ayes, 12 nays on the motion to reconsider.

KELLY: The motion is adopted. Senator Linehan, you're recognized to open on, on AM3250. And I raise the call.

LINEHAN: OK. So I would just have-- please vote for this. And then as Senator McDonnell, Senator Clements, Senator Wayne, Senator Dover have a conversation between now and Select and get something across the board. So I'd appreciate a green vote on the amendment. Thank you.

KELLY: Thank you, Senator Linehan. Seeing no one else in the queue. You're recognized to close on the amendment. And waive. Members, the question is the adoption of AM3250. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 24 ayes, 9 nays on the motion to adopt the committee amendments, Mr. President.

KELLY: Committee amendment fails.

CLERK: Mr. President, Senator McDonnell would move to amend with AM3399. Excuse me, Mr. President. Apologies. There's a priority motion. Senator Machaela Cavanaugh would move to bracket the bill until April 18.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, as I said my last time on the mic, I, I don't support this bill. I don't support adding another bill into this bill. I think it's a nuanced argument to say that 50% is not the same as 100%. It's a 9-page amendment that is fairly substantive to add into this bill at this point. And, it's just, you know, a frustrating use of our time. But I want to get to all of the other good things that are on the docket today. So I'm not going to take too much time on this bill, because I think we should be moving forward to get through this other business that you, my

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colleagues, have worked so hard on this year. But I will say that, on Select File, I will probably take more time on this, but I am not going to take this-- any more time today. Additionally, I am going to withdraw this bracket motion. And just a little lesson on the rules: if anyone in here doesn't want that, you can say objection, and the bracket motion stays up there. So even though people file preventative bracket motions on their own bills or other people's bills, you still don't have control over it. People can still object to it being withdrawn. So with that, Mr. President, I withdraw my bracket motion.

KELLY: Thank you, Senator Cavanaugh. Without objection, it is withdrawn.

CLERK: Mr. President, Senator McDonnell would move to amend with AM3399.

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

McDONNELL: Thank you, Mr. President. Thank you for everyone's input. So going back to the handout that Senator Clements gave everyone and, and from the time we've begun discussion today, it's been about AM3399. So if you look at the breakdown again, it is increasing the, the, the, the doc stamp by \$1. It breaks it down to the \$0.65, as we've talked about, for the inheritance tax. And then it goes for the military support, \$0.05; iHub, \$0.08; grant services, \$0.05; federal qualified health centers at \$0.03; and again, the Film Office has been eliminated. So, committed to having further discussions based on the idea of the input today on Select, definitely, seeing where we can make sure that answering everyone's question. Not saying that we're all going to agree, but at least trying to improve the, the bill, get it moved forward. I'm asking please green vote on, on AM3399 and LB1363. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Dover, you're recognized to speak.

DOVER: Thank you, Mr. President. I again, I would encourage everyone to vote no on this. We-- this bill needs to go away. We don't need-- in any form. We don't need to increase the doc stamps. I've been in construction since 1988. We built our first house in 1988. It was a first time for me and I-- and we have built a lot of houses since 1988. I want to tell you about housing affordability. Housing affordability is the death by a thousand cuts. It isn't a little bit-- it isn't one large thing that drives up the cost of housing.

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It's a thousand little things. In codes, we hear that, well, this isn't too much to put in the ground fault protectors, and it isn't that much to put them in the panel, it isn't much to put a back floor protector on. It isn't a lot to do a lot of these things. But I will say-- I will say this. You can make an argument to increase the cost of housing if it's going to improve the house or perhaps save a life, right? Well, we are increasing the cost of a house not to-- not to help the people that live in the home, not to make housing more affordable. And so I again, I would simply encourage everyone to vote this bill down. It needs to go away. The ideas need to come back. These ideas are good and sound ideas. The funding mechanism is inappropriate. If you want to keep housing affordable, this is one vote you can take for housing affordability. Please vote this bill down. Thank you.

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

CLEMENTS: Thank you, Mr. President. I rise in support of AM3399. In there, the inheritance tax will be reducing the rates on nieces and nephews from 11% to 8%, from nonrelatives, 15% down to 8%. That's about a 9.5% reduction in what the counties overall would receive. And the funding in the documentary tax increase gives them more than-- more than 9.5%, more than covers the revenue loss. The problem we had when my inheritance tax bill-- my inheritance tax bill did have documentary tax in it. It was \$0.50. This is \$0.65. The counties determined that they needed-- the revenue replacement needed to be the \$0.65. And, you know, I also changed the 5% to-- up to, to the 8% number so that-- I, I have removed the counties' objections, which is why in my bill wasn't moving previously. And so I ask for your green vote on AM3399. I've been assured that the counties are in support of this. And I'd like to get it to Select, and we'll talk about other adjustments at that time. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. And thank you, Senator Clements and staff. They've continue to work on the inheritance tax issue. They've worked with NACO. They started it off at odds, and now I can see some real progress here. This is a very good amendment. The commissioners that have contacted me, I've had three or four in emails this morning. All have switched from oppose to they fully support this. They are willing to continue to work on this. And this is why I was opposed before, and now we are in support. This is good legislation.

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I understand Senator Dover's concerns. But quite often when you're buying a farm or a house for \$300,000 or \$3 million, that cost of those doc stamps are financed by the bank, and it's just part of the-- part of the annual payment or the monthly payment on that house. Yes, it does raise that. In exchange, as Senator Clements explained, it decreases the effect of inheritance tax quite significantly. So both sides gave a little bit on a really good compromise here. I'd encourage-- encourage everybody to vote green on AM3399. Thank you.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue. Senator McDonnell, you're recognized to close on the amendment.

McDONNELL: Thank you, Mr. President. I believe everyone has a hopefully a good understanding of where we were, and where we are today and, and to continue those discussions and-- but we've come a long way from where we-- when we stopped last week. And I appreciate everyone working on this, on this floor and outside in the Rotunda that's put the time in over the weekend and prior. So I'd ask for a, a green vote on AM3399 and LB1363. And we will continue our discussions and trying to improve the legislation. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Members, the question is the adoption of AM3399. 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: 24 ayes, 2 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Wishart, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. There's been a request for a roll call vote, regular order. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes.

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Senator Conrad voting no. Senator Day. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobson not voting. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe. Senator McDonnell voting yes. Senator McKinney not voting. Senator Meyer voting yes. Senator Moser voting no. Senator Murman voting yes. Senator Raybould. Senator Riepe voting no. Senator Sanders voting yes. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Senator Jacobson voting yes. Senator Wayne voting yes. Vote is 25 ayes, 10 nays, Mr. President, on adoption of the amendment.

KELLY: The motion-- the amendment is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill, Senator-- or, excuse me-- Mr. President, I have nothing further on the bill.

KELLY: Members, the question-- Senator McDonnell, you're recognized to close. Senator McDonnell waived closing. Members, the question is the advancement of LB1363 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 10 nays, Mr. President, on advancement of the bill.

KELLY: It is advanced. Mr. Clerk. I raise the call. Mr. Clerk.

CLERK: Mr. President, Legislative Bill 1363A, introduced by Senator McDonnell. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out the provisions of LB1363. Bill was read for the first time on March 26 of this year, placed directly on General File.

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

McDONNELL: Again, based on negotiations and this being the A bill, there's definitely going to be, be changes. But pretty much it's only a placeholder moving forward. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Seeing no one else in the queue. You're recognized to close. And waive closing. Members, the question

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is the advancement of LB1363A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 8-- 29 ayes, 8 nays on advancement of the bill, Mr. President.

KELLY: It is advanced. Mr. Clerk.

CLERK: Mr. President, some items quickly. Amendments to be printed from Senator von Gillern to A-- to LB1023; Senator Murman, LB1331A. Additionally, committee reports from the Transportation and Telecommunications Committee concerning gubernatorial appointments to the Board of Public Roads Classifications and Standards. Reference Report from the Referencing Committee referencing LR408. New LR, LR470. That'll be laid over. Additionally, your Committee on Judiciary, chaired by Senator Wayne, reports LR279CA to General File with amendments. And explanation of vote from Senator Hughes. Mr. President, as it concerns the agenda, Select File, consent calendar, LB1085. First of all, there are E&R amendments, Senator.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB1085 be adopted.

KELLY: Members, you have heard the motion. All those in favor say aye. All those opposed say nay. They are adopted.

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

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1085 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB903. I have nothing on the bill, Senator.

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

BALLARD: Mr. President, I move that LB903 be advanced to E&R for engrossing.

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KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. It is advanced, Mr. Clerk.

CLERK: Mr. President, Select File, LB1326. I have no E&R amendments. Senator Linehan would move to amend with FA404.

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

LINEHAN: Thank you, Mr. President. I have filed several amendments. I've got several more to file tomorrow on bills that are coming up tomorrow. I am trying to work to figure out a compromise on the scholarship program, and I, I don't want to slow us down. I don't want to be here till midnight. But I would like people who have changed their mind or different from what I was told earlier, if they would please come talk to me. So thank you, Mr. President. And I'll pull the amendment.

KELLY: So ordered. Mr. Clerk.

CLERK: Senator Linehan, I also have FA405, FA406, FA407, FA408, withdrawal of those as well is my understanding.

KELLY: So ordered.

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

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1326 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, next bill, LB1214. I have nothing on the bill, Senator.

KELLY: Senator Ballard recognized for a motion.

BALLARD: Mr. President, I move that LB1214 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk.

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CLERK: Mr. President, Select File, LB1070. I have nothing on the bill, Senator.

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1070 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President. Select File, LB910. I have E&R amendments, first of all, Senator.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB910 be adopted.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. It is adopted.

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

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move LB910 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1029. I have nothing on the bill, Senator.

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1029 be advanced to E&R for engrossing.

KELLY: Members you have heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, LB840. First of all, I have Select Fi-- I have E&R amendments, Mr. President.

KELLY: Senator Ballard for a motion.

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BALLARD: Mr. President, I move the E&R amendments to LB840 be adopted.

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

CLERK: Mr. President, Senator von Gillern would move to bracket the bill until April 18.

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

von GILLERN: Thank you, Mr. President. I have a note in to the Clerk, and actually, I just talked to, to Carol. We're pulling-- we've got four motions on this bill and we're pulling them all. Thank you.

KELLY: Without objection, they are withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator McDonnell will have AM3208 with a note that you would withdraw.

KELLY: Without objection, it is withdrawn.

CLERK: In that case, Mr. President, Senator McKinney would move to amend with AM3351.

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

McKINNEY: Thank you, Mr. President. So just for refreshers, LB840 is a committee package from the Urban Affairs Committee. And what it deals with is poverty elimination action plans for city-- cities of the metropolitan class. The following key components of the plan includes a needs assessment, community engagement, affordable housing, and health care access. This plan should be reevaluated every two years and updated every five years. The act is only applicable to cities of the metropolitan class, and cities of the primary class. In my experience, I believe cities can make impactful actions to combat poverty. Excuses abound. The transparency and the effectiveness of implemented initiatives is often lacking, and there's clear room for improvement. While the Poverty Elimination Action Plan, it won't solve every issue, it stands as a crucial starting point, ensuring accountability and providing insight for areas of enhancement. LB840 was brought out of the committee on a 7-0 vote. Then there's also an including-- it includes LB881. It comes out from Senator Ballard. It amends the Middle Income Workforce Investment Act. In sum, LB881 would allow cities outside of Lincoln, Lancaster County, and cities outside of Omaha and Sarpy County to

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receive workforce housing grants through the Middle Income Workforce Housing Act. LB881 was amended into, into LB840 on a 6-0-1 vote out of committee. Also included in the bill is LB1046, which comes from Senator John Cavanaugh, which would require the Nebraska-- under the Nebraska Housing Act-- Agency Act in a city of a metropolitan class, and employment of counsel for a resident in termination hearings or eviction proceedings. Under this amendment, this will go into effect in July 1, 2025. The cost of any court, court-appointed counsel shall be paid by the house author-- attorney. And LB1046 was amended into LB840 on a 7-0 vote coming out of committee. It also includes LB530, which changes provisions of the Nebraska Housing Agency Act. So AM3351 is an amendment after we've had discussions with the Omaha Housing Authority and other housing agencies to try to addresses some-- dre--ad-- try to address some concerns from General to Select. And I believe we did as best as possible, but to keep with the spirit of the actual intent of the bills. So Omaha Housing Authority had concerns that a resident commissioner appointed under this bill might need to leave the board if OHA changes the number of units or otherwise does not meet eligibility requirements in their respective districts before the term is up. AM3351 changes on page 7 (4)(b) part (ii) allows flexibility in this case for resident commissioners to finish their term. They were also concerned that they would not be able to have a monthly board meeting at each of the public housing complexes, and suggested quarterly meetings. AM3351 made a change on page 8, line, lines 18 through 21, changes monthly meetings to quarterly. They were concerned that they would have to print too much paper for board meetings, notices and, and agendas, and that they were planning to purchase TV monitors for announcements in common areas. AM3351 makes some changes on page 8, lines 11 to 13, allows for posting board meeting notices and agendas on TV screens. They were concerned that the grievance procedure provisions would not allow flexibility in the case of the federal statute changing. AM3351 make some changes on page 10, lines 21 through 26. It allows that flexibility and require-- it allows flexibility and requires grievance procedure to be posted in plain language on website and in lease-- and in the lease. They were concerned that the complaint process was too long and complicated, and that in the existing work order process via tenant portal was sufficient. AM3351 makes some changes. We have reduced the requirements of the complaint process for OHA, but we retained it's spirit because a complaint is not, and should not, be simply limited to a maintenance request. It removes independent panel of complaints. It removes hearing por-- hearing portion of complaint process. It removes the toll-free hotline requirement, and allows residents to make a complaint by telephone,

in person, or online. They were concerned that LB840 removed a commissioner who worked for the city. AM3351 changes this portion and removed that section entirely. So then we move on to NAHRO. They have some current concerns that two portions of LB840 could apply to all housing agencies in Nebraska. AM3351 makes some changes. It specifies that any housing agency-- it specifies that cha--any changes to the Housing Agency Act included in LB840 only, only, only applies to housing agencies in the city of the metropolitan class. Look at page 8, line 4; page 8, lines 9 through-- 9 through 10. They were concerned that LB840 struck a section applying to a certain amount of ownership shares in a corporation being exempt from a conflict of interest. Taking this out could complicate Rural Housing Agency's ability to do business with certain entities relating to construction. AM3351 changes this and it put the language back in. You could look at page 15, lines 1 through 3. There were some changes that were requested but not included. One was the removal of the right to counsel, and the reason for this: it was never negotiable. Contrary to OHA's assertion, all of the residents do not have legal counsel in eviction proceedings. Residents have, and continue to be, violated, resulting in increased costs to political subdivisions due to increases in homelessness and housing instability relating to Housing Authority evictions. Also, they wanted us striking complaint-- they wanted us to strike the complaint process entirely, as OHA argues most of this is already covered by their work order process via the resident portal. The reason for not doing this is serious maintenance problems have and continue to exist in OHA, as you can see by the documents-- document that was handed around, and you can see from all the news articles, impacting the health, safety and well-being of the city's most vulnerable residents. Not all complaints are also not related to maintenance and would not be addressed via the resident portal system. Also, increased accountability and transparency of a government-funded agency is important for residents and for taxpayers. It's also important to be clear there's going to be another amendment from Senator Jacobson. It is an unfriendly amendment. We've tried our-- as best as possible to address the concerns of the housing agencies. They came in that-- came in at the last minute after not, especially not, showing up for Senator Cavanaugh's hearing on this-- on his portion of this his bi-- of this amendment. They did not show up for or against the bill, did no opposition, came in at the last minute, hired a lobbyist just to fight this bill at the last minute. Then, after they're asking us, hey, could you make some changes to the bill? We're like, yeah, we will, but it's some things we're not moving on, but yes, we will make some changes. We get here and we get an email-- I should look at my

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email, but I think it was after 9. Hey, guys, we're going to introduce a amendment to strike every section that applies to us. How is that acting in good faith? And that's the problem residents, residents have been dealing with for years now with the Omaha Housing Authority. They are not good actors. They--

KELLY: One minute.

McKINNEY: --don't act in good faith. And this only applies to a city of the metropolitan class. And we're just trying to hold them accountable because it is obvious and it is clear that, without accountability, this agency will not do the right thing for residents in Omaha. Thank you.

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

CLERK: Mr. President, Senator Jacobson would move to amend the amendment with AM3396.

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

JACOBSON: Thank you, Mr. President. Well, as Senator McKinney said, the amendment I'm bringing basically would remove OHA from, from those standards that were brought. And let me just add a little bit of light on why I have concerns about this. I understand the other housing authorities throughout Nebraska are not subject to this. And so you're asking, why am I opposed and why am I helping Omaha? And the answer is because I just fundamentally have problems with what's being put forward. OK. First of all, let's understand that the housing authorities, their residents pay rent based upon their income. And they do have a number of residents that have virtually zero income. OK? So the federal government is subsidizing that. They're under standards to where if they fail to evict when they're not paying the rent, the minimum rent they're required to pay, they lose that federal subsidy, which causes the cost for them to operate this facility to go up and impacts every other resident when it comes to trying to maintain those facilities. The housing authorities are the epitome of affordable housing. It doesn't get more affordable than that. You're paying a percentage of your income, whatever that may be, for rent. But in this bill, you would be required, as a housing authority, to pay for an attorney for someone being evicted to sue you as the authority to stop you from evicting them. Let, let me repeat that. You would be required to pay for an attorney to sue you or fight the eviction. There are pro bono, pro bono attorneys out there today. There are plenty of attorneys out there helping these

individuals today if they have a grievance. This is a plaintiff's attorney bill. That's what this piece is. This is out there, it's, it's, it's job creation for plaintiffs attorneys to be able to come in and be paid by somebody who they perceive to have deep pockets to delay the eviction process when all you have to do to avoid eviction is pay your rent on-- based upon what your income is at a very, very low rate. You're not going to find a better deal than the housing authority. That's as good a deal as you're going to find anywhere. I don't have any issues with the bill itself. I could support LB840 with-- as long as my amendment gets attached. If it doesn't-- I'm a, I'm a hard no on LB840. I'm just trying to figure out a path forward that makes sense here. But the eviction piece does not make sense. I think we're talking about conflicts of interest, which is going to mean you're going to have people who have expertise who can't be involved in the process, which I think is hurtful to being able to provide a, a, a good operation. So at the end of the day, this is about making this more of a commonsense kind of a bill and being able to make sure that the housing authorities can continue to operate and provide a place for people who are most vulnerable, a place for them to live. That's what this amendment does. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. And I oppose AM3396. It is an unfriendly amendment, as I stated before. And if Senator Jacobson truly didn't believe only that residents of public housing authorities who have lived and are living in substandard conditions because the public housing agency doesn't do the right thing, don't deserve a right to counsel, he would have only struck that out. But that's not what they did. It strikes out the other language of the bill that would provide more accountability and transparency. It takes out the, the, the updated language for grievance processes for the residents, the complaint processes, and those type of things. See, he didn't just take out "I don't think residents of public housing agencies shouldn't have legal counsel." He's taking out the other provisions of the bill that provides residents with, I would say, more power to voice their, their complaints and concerns to the, the housing agency. It also would provide two, two more additional resident commissioners because there needs to be more representation of the residents on the board. So if it was just about legal counsel or-- he would have brought another amendment, but that's not what he did. They got him to introduce this amendment because the Omaha Housing Authority doesn't want accountability. They refuse to be transparent. They don't want to do right by their residents. The

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whole time that we've been negotiating about this bill, I have yet to have a conversation with them that they even mentioned we care about the residents. It's been about us, us, us, us. Them feeling like this bill and these bills are personal attacks, the people that work for the authority. No. This is-- this bill is about people. Look, it-- I just don't understand it. Read the article. It says Omaha Public Housing residents are facing, facing evictions more often and sometimes over small debts. You, you stand up and say some of these people have zero rents and these type of things, but then you're also leaving out the conversation that the housing agency has evicted people for a lost key of just \$30. Is that right? You're leaving out the conversation that they stopped evicting people in November because they failed to tell people or notify people that they had a right to a grievance process. You, you failed to leave that out, Senator Jacobson. Your amendment is unfriendly and it's disingenuous. You come here at the last hour to try to stop this bill, and it, it's, it's unfriendly. It only deals with a housing agency in the city of Omaha. It doesn't deal with North Platte at all. Because if you stood up and told me, Senator McKinney, I need this for North Platte, I would support you. It's sad. We wake up and try to do things to better the lives of our constituents and we get these unfriendly and, and, and-- unfriendly amendments and we get agencies acting in good faith. NAHRO and Omaha Housing Agency, in my opinion, have acted in good faith, and everybody involved with them has.

KELLY: One minute.

McKINNEY: We've done nothing but listen to their concerns even though they came in at the last minute-- literally the last minute. But we was like, all right, we'll be open to making some changes. We're cool with that. But this is not it. This is not going to be it. And I ask you all to vote red on AM3396. Thank you.

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

LINEHAN: Thank you, Mr. President. Would Senator Wayne yield to a question?

KELLY: Senator Wayne, would you yield?

WAYNE: Yes.

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LINEHAN: Senator Wayne, if I remember the article that Senator McKinney is referring to was the fact that the Omaha Housing Authority was evicting people that owed as little as \$50.

WAYNE: Correct.

LINEHAN: Could you expand on exactly what's going on there and why it's so problematic?

WAYNE: It's problematic because you're oftentimes dealing with a population that, one, is nervous of attorneys and the system. So when they go there, they really don't know their complete rights and what's going on. And judges are, are not allowed to give legal advice. So the only way to deal with this issue is to let them have counsel and let them deal with it. So. So it's easy to get up and say, this is a plaintiff's bill, this is a attorney's bill to make money. Nobody's making money on these cases, let me be clear there. Nobody is getting involved in landlord-tenant stuff to make money. It's truly about defending the rights of, of people. And so if we start going down that path, then we should talk about the number-- the how much money banks make off of this and how this is a banking bill-- a banking amendment because here's the trade off that these individual landowners get. People who are in the voucher system as far as public housing, they get a trade-off of having a guaranteed check every month so they don't have to go out and try to do all these extra things. Part of that guaranteed check comes from the federal government. When you accept federal dollars like that, there are-- should be more requirements by the nature of accepting federal dollars. If you think about it, when you accept state tax credits, you have to meet certain requirements. We are adding to those requirements. And once of tho-- and one of those requirements is to make sure that they have-- didn't get advised on counsel. If you-- Half of the people in here have not read the Landlord-Tenant Act. Those are actually due process rights established in the Landlord-Tenant Act. So somebody, if the state is going to say you have a right underneath the Landlord-Tenant Act, if you have these rights under, under federal law, but particularly in the the state-owned Landlord Tenant Act, then the state should provide at least some counsel to make sure that you understand your rights. Again, we cannot allow judges to do that because judges cannot give legal advice. They are supposed to be neutral arbitrators. So that's why we're doing it. What's perplexing to me about this is this is really an Omaha issue. And so I talked to Senator Bostelman and a couple of other people about this bill, and we went through it line by line and section by section, and it's talking about an Omaha

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issue. An Omaha issue. You could be a-- maybe against some things in principle for whatever reason across the state. But if you have a community who is asking for help, why wouldn't we offer that when we can? And that's what we're doing here. We're, we're providing an opportunity for those who need help, who can at least understand their rights. And you know what many of these attorneys are going to do if they come in and say, look, underneath the Landlord-Tenant Act you have no options here? So we're going to go in front of the judge. We're going to see if we can get a 30-day continuance so you can move out or do whatever you got to do, but you have no options. That's all they're trying to do, is figure out what the options could or could not be. Now, on the other side, you better believe if you're dealing with the federal government, getting vouchers, or you're OHA or you're somebody like that, you already have an attorney. You already are providing that because it's built into your costs and it's built into-- so it's not going to cost you any more. What is going to cost you more is the fact that we didn't fix Senator Dungan's bill about jury trials. That what's going to cost everybody more. We didn't fix a jury pro-- issue. This doesn't cost any landowner who is working with the federal government underneath Section 8 Housing, doesn't cost them anything else. If you ever been to eviction court, their attorney is there all day-- or not all day, but all morning in that morning because that's what they do.

KELLY: One minute.

WAYNE: They're hired to handle this stuff. They typically have a flat fee and there-- it's built into their cost. So to say this is going to increase or somehow this is a plaintiff work, to me is flat out absurd. It's just not. Like, I'm not taking this-- think about it. I'm going to-- I'm going to charge somebody who can't pay rent to pay me. Clearly, they're already in breach of that contract because they couldn't pay their rent. So me as an attorney is going to say, you're going to sign a contingency or you're going to pay me hourly when you can't afford your rent. No. These attorneys are doing it for the bare minimum just to make sure people are getting their rights advisory and know what to do. That's all it is. And this is a standard we imposed underneath the Landlord-Tenant Act. We say these are your rules. We say these are the things that you should know. So why not provide those opportunities and make sure they at least understand what we have to put on them as far as due process? Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in opposition to AM3396 and in support of AM3351 and LB840. I just want to clear up a few things because there seems to be some confusion about this. So first off, this bill, AM3351 and LB840, only applies to tenants living in OHA-owned buildings. So it doesn't apply to voucher housing, doesn't apply to any privately held property. This only applies as it pertains to where the government is the landlord. So this amendment is designed to take away protections of citizens when the government is trying to kick them out of their housing. And the things that I think Senator Jacobson misunderstands about this are people can be evicted for other reasons besides inability to pay. And the folks who have volunteer lawyers, they get those lawyers about 15 minutes before court, which means you get about half-hour of that lawyer's time. Court appointment fees cost is \$65 an hour in Douglas County, which is where this takes place. Senator Jacobson, OHA says that for them to provide these court-appointed lawyers for the defendants-- not plaintiffs, defendants-- would take eight hours of work. They're saying that the, the rights of their tenants are so complicated that it takes eight hours of, of a lawyer to represent them. And you're calling it good at 15 minutes. The reason that this is different than other situations is that we're talking about the government against citizens, which is why the government should provide lawyers. But we're talking about public housing, which has a different set of rights, which is more complicated than regular landlord-tenant law. And it would be-- it does need lawyers who have a little bit more expertise. That is the reason for this bill. And under the current situation, as Senator McKinney handed out these letters-- or, these, these articles, and we've talked about previously on the mic-- OHA is currently violating their tenants' rights. So without a lawyer in an adversarial system, we are creating a problem where OHA is breaking the law, violating people's rights, and it is going to cost more money in the long run. So this is designed to save money. But to go back to how much lawyers are, I would ask them, Senator Jacobson, what is OHA paying for the lawyers to evict people? What is OHA paying for the lobbyist they hired to fight this bill at the eleventh hour? How much is OHA collecting in court fees against their clients? And I would ask them, if they can use their fees-- because they're going to say they don't have any available funds for this-- if they can use those court fees for that, if they could use the money they're using to hire the lobbyist for representation of their tenants. And I would ask if they've sought outside funding. They're going to say they don't have any money for this. Have they looked into getting any foundation aid or any, any private support for this? Because there's a lot of folks who would be

interested in supporting this. And I would tell you there are folks who have talked to them, myself included, in the interest of trying to help them find that aid. But fundamentally, this bill is limited in scope because the problem is limited to Omaha Housing Authority specifically. That's why this bill was brought. That's why Senator McKi-- my bill was brought, why Senator McKinney's bill was brought. And then, as Senator McKinney correctly pointed out, they reached out to us on, I think it was March 15 when the bill was on the agenda, and we sat down with them the next-- that was on a Thursday we sat-- or, Friday, Thursday or Friday. We sat down with them the following Tuesday and talked through all of their concerns. And then we, we received an email--

KELLY: One minute.

J. CAVANAUGH: --some time later and addressed the concerns in that. And yes, we didn't take out the fundamental crux of these bills, which is that it does require them to be held accountable. That's what these bills are. It's a government accountability bill. If you are in favor of government accountability, as is-- when it's acting against citizens, then you should be for this bill and against AM3396. But if you want to let the government run roughshod over our poorest citizens, then you can support AM3396. But there, there's definitely some confusion about what this bill does. So if you have any questions, please ask us. But I ask your red vote on AM3396. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Dover, you are recognized to speak.

DOVER: Thank you. I rise in support of AM3396, Senator Jacobson's bill, and I would question-- I understand that Senator McKinney thinks this is an unfriendly amendment. I would-- I would question that and wonder if it isn't a friendly amendment because it's going to help his bill-- the rest of the bill pass. I would-- the Omaha Housing Authority obviously opposes this bill, and some of their concerns are the requirement to pay for a tenant's counsel during an eviction. They believe it's a bad precedent to set in Nebraska. OHA has provided an outside legal counsel opinion confirming that there is no source of funding available to OHA to pay for the tenant legal fees. Again, an outside legal counsel opinion. Even if such a source existed, it would take needed dollars away from the efforts to make more affordable housing available. Another concern they-- the topic is the requirement to provide duplicat-- duplicative complaint process. OAH [SIC] already follows specific HUD regulations regarding

tenant grievances. The overly prescriptive requirements to establish a complaint process would partially duplicate current efforts in some cases, and other cases would require significant additional costs and staff time. Such costs would reduce the funds available to provide more affordable housing. Another topic they have is overboard-- is overbroad conflict of interest provision. The conflict of interest provisions would hold OHA to a higher standard than other entities in the entire state, including the state itself. HUD conflict of interest regulations already require OHA to disclose and HUD to review and approve or deny any such potential conflicts. I work with Housing Authority in Norfolk, and I'll tell you one thing, my experience with housing authorities and I know other housing authority people across the state, as we've had meetings, we have a, a property management company. I worked with HUD and Odd Fellows Manor. I'm quite-- I'm quite-- I understand HUD's requirements are quite burdensome. And I would say that a housing authority would be the last group that would not take care of its tenants. I'm asked to because HUD sets the requirements for that. And Senator Cavanaugh says this applies to OHA and so why are we concerned about it in Norfolk? We're concerned about it because I wonder who's next? When we start doing this here, is Senator Dungan's bill going to be-- again come back next year and then help with funding of attorneys for evictions? And I would like to address another thing, someone says that someone is evicted over \$50 or a lost key or something like that. Trust me, I've been in, in property management for-- well, probably 30-some years now, and that eviction of a key or \$50 is not that simple. They have situations where there may be a tenant who has physically threatened a tenant next door, loud music, disturbs the peace of other people living there, maybe there's drugs involved and other things, and there are other things they can do. But sometimes-- be quite truthful, this is the easiest way to take care of it and it-- and it satisfies the law. So I'd say it isn't-- don't take face value of someone-- someone just doesn't kick-- get kicked out because they're \$50 behind or they lost a key. That doesn't happen. Because trust me, if OHA is worried about the cost, it costs a lot more to clean it, clean the carpets, advertise and get someone else in there. And I'm, I'm, I'm quite confused to tell you the truth. So explain to me, so we are going to fund-- the government funds, OHA, right? So we're funding the government, more to say, right, or we're funding more additional government regulation, those kind of things, and now we're asked to fund someone to oppose, oppose what we're funding? I don't get it. Why are we-- we're funding OHA to help people in affordable housing and find places to rent and we're funding to subsidize rent. Now we want to fund someone to oppose the people who

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are funding. It makes no sense to me. So I would-- I would-- I would encourage you to vote yes on Senator Jacobson's amendment. And I don't see any problems with the rest of the bill. Thank you.

KELLY: Thank you, Senator Dover. Senator Wayne, you're recognized to speak.

WAYNE: What are we doing? Thank you, Mr. President. What are we doing, guys? I don't-- this-- we're worried about a slippery slope argument. But that slippery slope wasn't there, Senator Dover, when your community got \$10 million of ARPA fund for a park. I didn't hear nobody get up and say if we do Norfolk ARPA money for a park then, then we're going to start funding parks everywhere. I didn't hear that. We are talking about an issue that has been multiple front page news in the Omaha area. This bill and the area we're striking deals with Omaha. And to get up and say they're going to have to pay more when they just dropped \$15,000 to hire a lobbyist-- that's public funds to hire a lobbyist to come down here and lobby-- is insane. Then we get on the mic and say nobody would be evicted for \$50. First of all, you can't say that because you weren't there. This is an individual who is trying to solve a problem for his community, OHA limited to the city of Omaha, and we're fighting it. This amendment didn't come from an Omaha senator. Guess why? Because every Omaha senator is like, it's a problem. There's a problem in Omaha when it comes to OHA. But we're going to have rural senators tell us how to fix our community. We're going down that path again. If he would have just struck, struck the part about due pro-- for counsel, I don't know where McKinney is on that. Believe it or not, I haven't read all these bills that McKinney introduced. We don't talk about every bill that we both introduce everyday. But maybe that would make sense. But to strike the provision about conflicts, if it's good enough for an inland port, Senator Jacobson, is good enough for OHA. Inland port, you can't have a conflict. You can't have an interest in the contract nor can you even own property inside of an inland port and be on the board. If it's OK for inland ports, it's OK for OHA. And why? Because, amazingly, people on the board, somehow their firms and their businesses get the contracts. So we're trying to add more transparency and accountability. I'm not even saying we-- I'm just supporting the bill-- Senator McKinney is because this is a huge issue in his district. You guys aren't reading and seeing every night where there's bedbug infestation in entire OHA properties. You're not reading about that in North Platte or Norfolk. He's met with OHA board members multiple times and staff. They worked out some things, there's-- now they're opposed to conflicts. Every day it's something new for an individual who is trying to help his community. Public

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housing. Sometimes I wonder what we are really trying to do. Or are we just protecting big government the entire time? This is another provision to protect big government. But you guys claim to be conservatives because big government may have to work a little harder. Not just big government, big federal government may have to work just a little harder to evict the person making less than \$24,000 a year.

KELLY: One minute.

WAYNE: You know what a little harder means? They get to review their rights. And as an attorney, if they don't have any options, they don't have any options. But the big federal government gets to hire an attorney to come into these proceedings and just push these little individuals out of the way. They're not living in Section 8 housing because they have a lot of money. These are, oftentimes, our most vulnerable people. And we can't make sure that they're accountable? We can't make sure that they're transparent? We can't make sure they don't have conflicts, that the same law firm has been the same law firm since I was in law school and it just so happens they always have somebody on the board? What are we doing? Maybe when ag people come up to me and say we got to solve property tax problem in ag land, I'm going to say, nah. Nope. I'm not helping your community anymore.

KELLY: That's your time, Senator.

WAYNE: Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Bosn would like to announce some guests in the north balcony, fourth graders from St. Michael Catholic School in Lincoln. Please stand and be recognized by your Nebraska Legislature. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Well, first of all, let's go back to some of the things that have been said kind of here in the meantime. First of all, why am I concerned about this? Because it's a slippery slope. What starts in Omaha and Lincoln tends to find its way outstate. So I'm not a novice to this. I understand how things happen. If it starts working somewhere, then, OK, why don't we just do it for everybody? So that's why I'm concerned about some of the bad pieces of this to begin with. The most egregious piece is requiring OHA to pay attorneys. We all know how this works. Why would anybody not hire an attorney at OHA's expense in every case if they don't have to pay a dime and OHA has to pay it? Why would you not do

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that? And what does that add to the cost? OHA-- the dollars that come into OHA are used to take care of, of, of building these units, maintaining these units. So we talk about substandard conditions-- well, they're going to become more substandard if that's the case because the money they have to work with is from the rents that they receive. Where we've heard about people being evicted for owing \$50. The average rent is somewhere just under \$600 a month. The federal government subsidizes the difference between what the tenant pays and what the rent is, that's set by the federal government. So at \$50, they're giving up \$550 a month because the federal government's not going to pay it if they allow a tenant to stay who's not paying the \$50. Also, there's a discrimination clause. If somebody's paying full \$600 and somebody else is paying \$50, they have to treat them the same when it comes to eviction. That's the way it, it works. There's a process to eviction. That's why you got people paying-- that, that are supposed to be paying \$50 that are being evicted because they're required to. There are federal guidelines that are already in place that many of the parts of this section are duplicative to the federal guidelines. We're trying to provide affordable housing throughout the state through these housing authorities. It's the cheapest deal in town. It's the best deal going. Are there going to be problems from time to time? Sure there are. Senator Wayne's indicated, well, why do we-- why do we have this different standard in what we have for inland ports in terms of conflicts? We shouldn't. We shouldn't have that standard for inland ports. As you move outstate in particular, we started the inland port in North Platte. They went down through a list of people that they thought would be great on the board, and about 80% of them had a conflict one way or the other. I couldn't be on it, or anyone from my bank could be on it. Because we might do some banking business with them, so that would be a conflict. There are people that live in the area. But if they owned land there, that would be a conflict. If there's somebody that wants to put a business in there, that would be a conflict and they can't be on the board. So where do you get the expertise to serve on those particular boards if you conflict everybody out who has, has an interest in it or who would have the expertise to do it? Now, we were able to find a very good board, but they had to dig pretty deep to get there because the number of people that would have normally been right there to be able to, to be on that board who, who brought a lot of experience in development and, and other activities to help make it happen are all conflicted out. So I'm just telling you that I'm ready to vote on the bill. I think it's time to move forward. Vote on the amendment. Vote the thing through. We've spent enough time on it. Let's just move it forward.

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KELLY: One minute.

JACOBSON: And so I would encourage you to just-- let's get out of the queue, let's go ahead and run the vote, see where it needs to go and move on from there. Thank you, Mr. President.

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

LOWE: Thank you, Lieutenant Governor. And, Senator Jacobson, I was about ready to get out of the queue, but I decided I was already on my way up. We've heard that they'll evict you for something like \$60. Well, if you're paying \$5 a month in rent and you haven't paid for 3 years or you haven't paid for a year, being a landlord, I have a problem with that. I know these people aren't making a lot of money, and that's why they pay, like, \$5 a month or \$10 a month or \$15 a month. How many of these pages would like to pay \$15 a month for their apartments that they live in? And any single one of them could have bedbugs brought in by another tenant in the same apartment complex. Bedbugs are very mobile. They don't like to stay in one place. I stay in a hotel when I come down here, and every time I come down, I do not put my luggage on the bed or on the floor. I keep it above the floor and on the luggage rack or on the table. Bedbugs are very mobile. And if we're going to start paying for attorneys for everything that comes up, the Housing Authority won't have any money to take care of things like the bedbugs. They won't have any money to improve on the property. That's the problem when we start dealing with landlords and making rules for landlords to obey. The rent goes up. Wait, it can't in this instant. It has to stay down because of the federal government. And it has to stay down because that's all that they can pay. So as we look at this, I stand in favor of AM3396, but I'm against the whole bill. I voted it out of committee. I thought Senator McKinney needed a chance to, to speak on it, and he's very passionate about it. But I am against LB840. Thank you, Lieutenant Governor.

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

McKINNEY: Thank you, Mr. President. Again, I ask that everyone oppose this unfriendly amendment, AM3396. It is a last-hour amendment. It's unfriendly. And what, what's also interesting--- really interesting about OHA-- so over the past 2 years-- so let's talk about Senator Cavanaugh's portion of this. They did not show up in opposition. They did not submit a letter. They didn't. So I just want to be clear, in

the future, if y'all support this amendment-- if somebody comes at the last minute to try to kill your bill and you tell me, Senator McKinney, they didn't even oppose the bill at the hearing, can you please help me stop this, I'm going to look at you with a side eye. They didn't even come to the hearing. Then on my portion of this bill, LB530, technically they came to the hearing, but the people that testified that were on the bill testified in their personal capacity. But technically speaking, if I'm going to be technical, OHA never testified on none of these bills, even for or against. So if, if, if they have this much opposition against these bills, why aren't they sitting in testifiers' chairs saying we oppose these bills? So in the future, Senator Jacobson, if somebody comes to me the day of your bill with an amendment and I put it on and you tell me it's unfriendly and they come in at the last minute and they didn't show up to the hearing, I, I probably won't listen to you because that's what you're doing. What is this? We're just trying to take care of people in our community. That is all we're doing. This doesn't stop them from evicting people at all. A person still can be evicted. This is no slippery slope. These are people in the most vulnerable situations. I-- then you talk about the bedbug issue. Like, OHA has cut staff, especially pest control staff, and they haven't hired like they're supposed to. That's why the bedbug situation is out of control. They need to tell the truth. It's, it's just-- and then we want to demonize tenants and say they might have did this or there's more to the story, there's more context. So you're saying that a person that is paying \$50 a month gets evicted, they don't deserve some type of representation? My grandfather lived in the OHA tower before. He didn't have a lot of money. And when he died, he lived in the OHA tower. Well, he had just lived in the OHA tower, but he wasn't mobile. He didn't have money. He couldn't afford an attorney if he was to get invi-- evicted. He didn't even know the landlord-tenant laws. A lot of these people are seniors. Some don't even have family. They need some type of representation and help in these situations. Then we talk about locking homeless people up if they're sleeping outside. This is not going to help. It's just-- it's, it's just interesting. And then we don't want conflicts of interest. So we want people to sit on boards and make money from contracts while they sit on the board. That is what we're talking about. So--

KELLY: One minute.

McKINNEY: --sit on a board, you work for a company, you get your company a contract and you make money. That's cool, I guess. That's, that's what they want. That's what they're arguing for. But they're

not arguing for the people because they don't care about the people. They never cared about the people, because if they cared about the people, we wouldn't have all these stories in the news. And that's the problem. And that's why you need to vote against Senator Jacobson's amendment. 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 AM3396, in support of AM3351 and LB840. I am a bit confused as I've been listening to the debate here, hearing from two senators that are from very far away from Omaha talk about that the city of Omaha-- Senator Jacobson, the city of Omaha does not have enough people within it that we can't find seven who don't have a conflict with OHA? That doesn't make any sense. And looking at the board of OHA, it, it makes even less sense. There is no reason whatsoever that it should be hard for the city of Omaha to find seven individuals in the entire city that aren't conflicted out. OHA is a moneymaker for developers getting contracts. Government should be transparent. Not enacting this bill, adding this amendment just means that we are OK with sleazy backdoor deals happening. We are OK with the rich getting richer and contracts not being a fair bid. And we are OK with saying that poor people who live in housing that is meant for them, built for them, shouldn't have access to resources to combat an eviction, that it's complicated because of both federal and state regulations. And we are OK with a public board appointed by the mayor hiring a contract lobbyist. That is egregious. And, colleagues, if you're willing to go listen to a paid lobbyist who was hired at the last hour for a public board because they don't want to be conflicted out, this is the essence of bad government, sleazy government, backdoor deals. Let's do right by people living in poverty. And let's let the people who represent these people, myself included, enact policies that cost the state nothing and make it safer for children and families to live in our communities. I have a significant amount of public housing in my district, in my neighborhood. I am friends with residents. My kids go to school with residents, and they are just like everybody else. They love Taylor Swift to a very extreme degree. As do I. I'm a "swiftie." They like Halloween costumes. They want to go trick or treating in a safe neighborhood. They are cleanly. They don't have bedbugs everywhere. Yes, there are bedbugs, but they're not everywhere. And anyone, to Senator Lowe's point, can have bedbugs. You can go to a five-star hotel and have bedbugs. That is not a reason to demonize people living in poverty. My children go and play at the houses of people

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who live in public housing because it is safe, it is clean, it is secure, and it is a family home. And these people deserve the resources afforded to them. And we deserve to be able to give that to them. And we should not be going to cronyism and talking to paid--

KELLY: One minute.

M. CAVANAUGH: --lobbyists so that a board member doesn't get kicked off because he's making money off of being a board member. That's disgusting. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue. Senator Jacobson, you're recognized to close. And waive closing. Members, the question is the adoption of AM3396. 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: 25 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Vargas, Bostar, Erdman, Hansen, and Arch, please return to the Chamber and record your presence. The house is under call. All unauthorized members are present. Members, members, the question is the adoption of AM3396. There's been a request for a roll call vote, regular order. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn. Senator Bostar not voting. Senator Bostelman not voting. Senator Brandt voting no. Senator Brewer. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman not voting. Senator Fredrickson voting no. Senator Halloran not voting. Senator Hansen not voting. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes not voting. Senator Hunt. Senator Ibach voting yes-- Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan not voting. Senator

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Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting no. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman not voting. Senator Raybould. Senator Riepe. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is-- Senator Erdman voting yes. The vote is 19 ayes, 16 nays, Mr. President, on adoption of the amendment.

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

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

KELLY: See-- seeing no one else in the queue. Senator McKinney, you're recognized to close on AM3351.

McKINNEY: Thank you, Mr. President. Again, colleagues, the purpose and the mission of LB840 and AM3351 is, number one, to enact the Poverty Elimination Action Plan; two, hold Omaha Housing Authority accountable, give the residents a better voice to file complaints, address grievances, more voices on the board, those type of things. Because the Omaha Housing Authority has not been a good actor. They haven't showed up even down here against these bills. They've had people come down here, but officially on the record, if you look at the record, OHA has not testified in opposition. They're coming at the last minute, hired a lobbyist at the last minute. We've been talking to him back and forth for, like, almost a month now going through amendment language. And then at the last hour, we get here this morning and they get Senator Jacobson to introduce an amendment to strike every section that addresses them because they don't want accountability and transparency. Also, included in this is changes to the middle income workforce housing program. So there will be an increase from the cap from \$5 million to \$10 million to allow for-- or, entities to access more funds to do, do more affordable housing. Senator Ballard's bill, which expands access to the middle income workforce housing outside of just Omaha and Lincoln to areas in Sarpy and areas like Waverly. So let's be clear about what's in this package and why we need your support. And with that, I ask for your green vote. Thank you.

KELLY: Thank you, Senator McKinney. Members, the question is the adoption of AM3351. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 10 nays, Mr. President, on adoption of the amendment.

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KELLY: The amendment is adopted.

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

KELLY: Senator McKinney, you're recognized to close on LB840.

CLERK: No.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB840 advance to E&R for engrossing.

KELLY: Request for a machine vote. Members, the question is the advancement of LB840 to E&R Engrossing. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to vote? Record, Mr. Clerk.

CLERK: 25 ayes, 13 nays on advancement of the bill, Mr. President.

KELLY: It is advanced. Mr. Clerk. I raise the call.

CLERK: Mr. President, next bill, LB1329. First of all, Senator, I have E&R amendments.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB1329 be adopted.

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

CLERK: Mr. President, I have Senator Cavanaugh, MO1208, MO1207, both with notes that you would withdraw. Additionally--

KELLY: Without objection, they are withdrawn.

CLERK: Additionally, Mr. President, Senator Machaela Cavanaugh, I have FA236 and FA237, both with notes that you would withdraw those.

KELLY: Without objection.

CLERK: Mr. President, I have FA238 from Senator Linehan with-- or, excuse me, from Senator Murman with a note that he would withdraw and substitute AM3382.

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KELLY: Without objection. So ordered. Senator Murman, you're recognized to open on your amendment.

MURMAN: Thank you, Mr. President. AM3382 is an amendment which was originally LB1331, which was originally a cleanup brought by the Department of Education. AM3382 is meant to modernize, clarify, and clean up language in the existing law. The main purpose of this legislation is to allow for better practices of taking attendance. When the attendance laws were written, teachers were, of course, taking this by hand, but now schools commonly have a digital system for this process. School districts, as a result, now have better ways to record and report this data to the Department of Education. So this is generally the point of the legislation. The bill also eliminates some outdated language, clarifies the minimum requirements from other statutes for the issuing of alternative certificates, adds language to match federal language, clarifies the definition of a high-ability learner, and ensures the Commiss-- Commissioner of Education receives a report of districts' behavioral awareness training reports. The goal of this bill isn't to create some large legislative change, but more so to clean up the language of already existing truancy laws and other provisions to provide a bit more clarity on some older statutes. The bill had no opponents and came out of the committee 8-0, so I ask for your green vote. Thank you and I'll yield my time.

KELLY: Thank you, Senator Murman. Seeing no one else in the queue. You're recognized to close on the amendment. And waive. Members, the question is the adoption of AM3382. 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: AM3382 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Murman, I have FA239, FA240, both with notes that you wish to withdraw.

KELLY: Without objection, they are withdrawn.

CLERK: Mr. President, Senator Walz would move to withdraw and substitute AM3150 for AM3234.

KELLY: So ordered. Senator Walz, you're recognized for a motion.

WALZ: Thank you, Mr. President. Good morning, colleagues. Nope. What do I have to do?

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

WALZ: Thank you, Mr. President. I make a motion to withdraw and substitute.

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

WALZ: Thank you. Good morning again, colleagues. Today, I'm introducing a cleanup bill, AM-- to AM3234-- what-- excuse me-- to LB1284-- sorry-- as amended by the Education Committee that I introduce on behalf of the Governor. Last year, I introduced LR166, an interim study to review unfunded mandates placed on schools. One of the topics brought up was the length of time required for specific pieces of training passed by the Legislature. Over the interim, a group of administrators worked with the Governor and his office regarding statutory requir-- statutory training requirements. LB1377 is the result of those conversations. This amendment does several things to clean up the bill. It primarily allows local school boards to set the length of training on several statutory requirements, including behavioral awareness, classroom management, dating violence, et cetera. This provides flexibility to school boards and school districts based on their needs. For instance, they are able to more easily tailor training if there's a related incident at the school rather than sticking to basic training. During the interim hearing, it was mentioned by both administrators and school board members that having such strict training requirements lead schools to paying for additional days for teachers. This leads to an increased cost in schools. This is a straightforward amendment to clean up the bill. It just provides more flexibility to school districts to make best decisions for their communities. Please vote yes on AM3234. Thank you, Mr. President.

KELLY: Thank you, Senator Walz. Senator Linehan, you're recognized to speak.

LINEHAN: I have an amendment, I think, that comes up, so I'll wait till that comes up.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. Just while we have an opportunity to work through a few, I think, more-- probably more procedural questions rather than substantive, I just wanted to thank Senator Walz for working with Governor Pillen to try

and remove needless barriers in our educational structures and systems. As everybody is all too well aware, there's always a lot of movement and energy in the committees and on the floor in the waning days of session to try and figure out a path forward for their bills, for their initiatives, for things that they've worked on. Of course, we are constrained by time, but also the human capacity of our incredible team at Bill Drafters and the Clerk's Office and all support staff that is working diligently to help us keep pace with all of these fast-moving parts and a lot of complexities to both the, the underlying issues and the, the technical needs in terms of moving measures through the process as amended. So I know the Speaker has put forward some guardrails to help us think about reducing those burdens, and they're necessary in order to make sure that we can continue our work in the remaining days. It does have frustrating and disappointing results for individual senators and other stakeholders that are trying to find a path forward at this late stage. I do not think it's a reflection on the merits of the underlying legislation in any way, shape, or form and should definitely be reconsidered in future sessions or through other mechanisms. I know we have been talking amongst ourselves this morning about a lot of different bills that maybe aren't going to be able to find a path forward this session about how we can work together to draft joint letters to state agencies asking them to, perhaps, effectuate some of these changes if there are no oppositions in different areas that don't require a law change. We've been thinking creatively about how to utilize our interim studies that will be coming before us. And then, of course, returning senators will have an opportunity to reintroduce-- and those friends of ours who are term limited, I know that there's many of us who will be returning to the body who stand ready to pick up any legislation that was unfinished this year that enjoyed very, very broad consensus and support but just unfortunately got-- was unable-- was unable to move forward just due to, to time and practical constraints. So I know that Senator Walz has been working really hard with the Governor's Office to try and find a path forward on this. I know that we're all working through kind of how to consistently apply the Speaker's rule in regards to how we take up amendments for the remainder of these legislative days. And, again, I, I think that it's not a reflection on the underlying policy, but it's rather an effort to make sure that all of our work that has consensus can move forward in the precious few remaining days. So I appreciate that any member has a right to object to a request to--

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CONRAD: --swap-- to withdraw and swap an amendment, and then that moves to a motion. We don't see that happen frequently in our body, but it does from time to time for good reasons. And I appreciate Senator Slama making it so that we can have a thoughtful kind of reflection about how to apply the Speaker's rule in regards to this measure. Thank you, Mr. President.

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

CONRAD: OK. Thank you so much, Mr. President. And, again, apologies to the body and-- for taking time on this this morning. But as a professional courtesy to some of the primary stakeholders involved in this effort, they asked me to punch in again so they just have a, a moment or two more to confer about how to move forward with the-- with the amendment. I also just-- while that discussion is ongoing, I also wanted to draw the body's attention to LB1329. This is an Education Committee priority bill. We worked really hard in the Education Committee to bring together a bunch of different important issues that are reflected in LB1329. I want to thank Senator Murman for his leadership on those issues and fellow committee members for coming forward to help put together an important committee package. Some is generally more technical in nature, more cleanup in nature, and there are important substantive issues that are involved in the committee package as well that I think we, we all feel pretty good about moving that forward and understand how important it is. The one piece that I think Senator Murman had agreed to pull back from this morning in terms of an amendment that he had filed on this measure, it was in relation to access and participation in extracurricular activities for homeschool kids. And we heard about this. It was an incredibly compelling hearing at the Education Committee level. And I think that there was a, a great interest in moving forward and removing barriers so that all kids have an opportunity to engage in extracurricular activities because we understand the benefits that that participation has for all children. And so even though we ran into time constraints with moving that particular bill forward as an amendment to LB1329, I know that I'll be working with Senator Murman, Senator Linehan, Senator Clements, and hopefully all members of the Education Committee to figure out how to put our heads together and maybe see if we can't accomplish the same in the interim through rules and regs, through cooperation and collaboration with the Department of Education, the School Boards Association, local schools. I think that members are working very creatively to figure out how to continue advocacy on the issues and how to impact change even if we're not able to move forward specific bills at this point

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in this session that otherwise have great consensus support and merit but are just running into the practical realities of the time constraints and the human capacity of the superhuman people at the, the Bill Drafters and the rest of the support staff here. So I'll just go ahead and, and leave it there and appreciate the, the body's kind consideration of these measures and listening to me visit a little bit while Senator Walz and the Speaker and others had a chance to confer. Thank you, Mr. President.

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

SLAMA: I'll be very brief about this because I do want to, like, live long enough to see my kids graduate high school. But I raise this objection on the motion to withdraw and substitute on purely procedural grounds. This is a technical amendment. I just don't believe in unanimous consent being acceptable for a withdraw and substitute. That's been traditionally my approach to things. And I cannot withdraw that objection; it's already in. So I'm going to get off. I'd encourage everybody to vote green on the motion to withdraw and substitute and the substituted amendment itself. Thank you, Mr. President.

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

WALZ: Thank you, Mr. President. OK, just to clarify, this is not a new bill. The amendment just restructures the sections because that is what Bill Drafters asked us to do. So I would ask for a green vote on the-- to support the motion and also to support the amendment. Thank you, Mr. President.

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

CLERK: 32 ayes, 0 nays on the motion to withdraw and substitute, Mr. President.

KELLY: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Walz would offer AM3234.

KELLY: Senator Walz, you're recognized to open. And waive. Members, members, the question is the adoption of AM3234. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted.

CLERK: Mr. President, Senator Conrad, I have AM3235 with a note that you would withdraw.

KELLY: Without objection, it is withdrawn.

CLERK: Senator Murman, I have FA322 with a note that you would withdraw that.

KELLY: So ordered.

CLERK: Senator Murman, I also have AM3365 with a note to withdraw.

KELLY: So ordered.

CLERK: And Mr. President, Senator Wayne would move to amend with AM3236.

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

WAYNE: Thank you, Mr. President. Some school districts were reading the mapping bill as that they might have to throw out their books. And this just says to double clarify, to quadruple clarify, that you don't have to throw away anything. You can still keep all your same books. You can still use your books, but just show the kids the right map. Teach, like, the right map. You can still supplement with everything else so you don't have to throw anything away. Just show them the right map. It's all my bill-- all this amendment does. Thank you.

KELLY: Thank you, Senator Wayne. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. I actually stand in support of Senator Wayne's amendment and in support of the underlying bill. And I just want to say that today is a really good example of why we should not waste time on bills that pertain to hot button topics, because now we have substantial bills that we can no longer get through. I had a bill that was for the school psychologists on behalf of the Department of Defense that we were going to amend onto this that we can no longer amend. I had a bill in reference to no discrimination against our veterans that I can no longer amend onto LB1300. Many of the offices have worked for weeks negotiating, making

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deals, doing their hard work. And now we're here, and we're left with what we're left with. But for me, I just want to get on record that I apologize to all of the veterans that helped support all these bills that we try to get through this year. Unfortunately, without consent calendar being expanded more so and now being prevented from amending things onto bills even though deals were made weeks ago, we can no longer move them forward without permission. And that's where we are at. And I hope that people think about this in the future when they think that priority bills that pertain to five Nebraskans are more important than our property taxes or are more important than our veterans or more, more important than helping those that are struggling and need a hand up periodically. So with that, I would yield back any time to you, Mr. President.

KELLY: Thank you, Senator Blood. Seeing no one else in the queue. Senator Wayne, you're recognized to close on the amendment. And waive. Members, the question is the adoption of AM3236. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM3236 is adopted. Mr. Clerk.

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

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1329 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1329A. I have no E&R amendments. Senator Murman would move to amend with AM3421.

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

MURMAN: Thank you, Mr. Lieutenant Governor. AM3421 brings the cost of LB1329 down significantly. Most of the cost comes from the mapping portion for safety. After some discussions, it was decided that the original cost wasn't accurate for a few reasons. Most importantly, the original projection was calculated based upon the assumption that every single school would map their school. In reality, Omaha and Lincoln Public Schools, our two biggest districts, are not expecting to do the updated mapping. So that alone eliminates a huge portion of

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the cost. With that, I'll ask for your green vote so we can save the state some dollars. Thank you, and I'll yield the remaining-- my time.

KELLY: Thank you, Senator Murman. Senator Hansen, you're recognized to speak. And waive. Senator Murman, you're recognized to close on the amendment. And waive. Members, the question is the adoption of AM3421. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted.

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

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1329A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President, Select File, LB1284. I have E&R amendments, first of all, Senator.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB1284 be adopted.

KELLY: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. It is adopted.

CLERK: Mr. President, Senator Walz would move to amend with AM3410. Excuse me, AM3414.

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

WALZ: Thank you, Mr. President, and good morning for 2 more minutes, colleagues. Today, I'm introducing AM3414 to LB1284. I've been working on this amendment over the past few weeks to bring the fiscal note down. As a reminder, LB1284 has several education measures in it, including providing funding for professional development in computer science and technology and in early literacy, scholarship opportunities for future special education teachers, a pilot project

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to provide free menstrual products, a grant for dyslexia research, and a few cleanup measures. After this bill moved from General File to Select File, I removed one of my bills, LB1285, which had a high fiscal note. Additionally, Senator Dungan was willing to adjust his bill in this, LB964, to simply make the current career scholarship available to special education students at the university. This also dropped the fiscal impact, as this would have needed additional administrative cost. I've been working with Senator Linehan to determine the best path forward for both literacy and the dyslexia grant. We've been working with the Governor's Office on amending the future-- Education Future Fund to help ensure we can provide these opportunities to our students. We also lowered nearly all the dollar amount ask on each piece that had an appropriation. You'll see in AM3414 that the Education Future Fund is amended to accommodate the, the funding pieces and the ask that the computer science and technology is lowered to \$1 million this fiscal year and \$500,000 depending on private funding. We also lowered the ask for the dyslexia grant from \$1 million to \$500,000, and early literacy from \$10 million this fiscal year to \$2 million, and \$2 million for the next 2 years. This brings the dollar amount to at-- the dollar amount ask to \$3.75 million for this fiscal year. I also want to thank Senator Linehan, Senator Dungan, Senator Conrad, and the Governor's Office for their help on this. This bill is so important to make sure that we are meeting the ever-changing needs of our students, teachers, and parents and ensures that we can roll out the computer science and technology graduation requirement and make sure students in every corner of the state are getting great opportunities. It includes making sure we are providing the best possible literacy education we can provide. It boosts research for individuals with dyslexia and helps our low-income students receive menstrual products and not miss out on school. It works to put more special education teachers in classrooms and provides cleanup to statutory teaching assistant programs past this last session. This amendment and the floor amendment lowers the General Fund impact of LB1284 to only administrative costs for the teacher Nebraska act today. I would ask for your vote-- your yes vote on AM3414 and LB1284. Thank you, Mr. President.

KELLY: Thank you, Senator Walz. Seeing no one else in the queue. You're recognized to close on the amendment. And waive. Members, the question is the adoption of AM3414. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

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KELLY: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Linehan would move to amend with FA415.

KELLY: Senator Linehan, you're recognized open on the floor amendment.

LINEHAN: Thank you, Mr. President. And good morning, colleagues. FA414 [SIC] is a technical cleanup onto Senator Walz's LB1284. It reduces the fiscal note and cleans up a drafting error. There's-- currently, there's a sentence in the amendment that increases the fiscal note by \$5 million. So FA414 [SIC] eliminates that provision. So this bill was too costly. So Senator-- well, first of all, let me backup a second. I'd really like to thank Senator Walz, Chairman Murman, everybody else on the Education Committee. We had several things that came to us. Part of this is to continue the grants to new teachers so we can keep, keep them in teaching the first 5 years. That's part of this. There's also a cleanup on the-- if you go back and get a STEM or special ed-- there's another one, you go back and get certificates where we're short on, it helps give grants to those people. It goes right to them. So it helps them keep them in the profession. So it's an effort again that we don't-- fighting against the teacher shortage. I also-- really-- it's really important to me that Senator Walz was kind enough to include-- because this is her priority bill, I do believe-- she was kind enough to include funding for dyslexia research grant and also funding for Nebraska Department of Ed to improve reading programs across the state. We have-- there's different programs, so-- and this has been confused because there's-- curriculum is one thing. That's schools by the curriculum. The Department of Ed working with the ESUs is trying to do letters training throughout the state for teachers. So about half the kids-- half the students can learn to read with-- just give them a book, read to them a lot. They'll pick up on it. The other half of the students need more intensive phonics and vocabulary and they need more help. And we need to go back to that. So the funding in this bill will help the Department of Ed and the ESUs make sure that all our teachers have all the tools they need to make sure we increase reading. And this goes back to the very first year I was here. We had a third grade reading bill and Patty Pansing-- Senator Patty Pansing Brooks helped me with that and dyslexia. So this is kind of a last rah-rah on those things. So I'd really appreciate your green vote. Thank you very much.

KELLY: Thank you, Senator Linehan. Seeing no one else in the queue. You're recognized to close on the floor amendment. And waive.

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Members, the question is the adoption of FA415. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted. Mr. Clerk.

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

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1284 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clark.

CLERK: Mr. President, LB1284A, I have no E&R amendments. Senator Walz would move to amend with AM3422.

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

WALZ: All right. Good morning-- good afternoon, colleagues. AM3422 and the floor amendment reflect the changes that we made to LB1284. There is also a floor amendment filed to this to remove the increased dollar amount for the Teach in Nebraska Today Act and the administrative cost for the Department of Revenue. I'm also going to open on the floor amendment that was filed on this as well. It removes a \$5 million increase to the Teach in Nebraska Today Act and, again, the administrative costs for the Department of Revenue. Now, the only General Fund expenditure out of LB1284 is the administrative costs for changing this program with the Department of Education. Please vote yes on the floor amendment, AM3422, and LB1284A. Thank you, Mr. President.

KELLY: Thank you, Senator Walz. Seeing no one else in-- Senator Linehan, you were in the queue. And waive. Members, the question is the adoption of FA416. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: The amendment is adopted. Mr. Clerk.

CLERK: I have nothing further at this time.

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KELLY: Senator Walz, you're recognized to close on the amendment. And waive. Members, the question is the adoption of AM3422. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: The amendment is adopted. Mr. Clerk.

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

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB1284A be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. All those opposed say nay. They are adopt-- it is advanced. Mr. Clerk.

CLERK: Mr. President, single item, amendment to be printed from Senator von Gillern to LB1317. And a priority motion, Senator DeKay would move to recess the body until 1:10 p.m.

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

[RECESS]

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

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

DeBOER: Thank you, Mr. Clerk. Any items?

CLERK: I do, Madam President. Your Committee on Enrollment and Review reports LB1344A and LB62A both as correctly engrossed and placed on Final Reading. That's all I have at this time.

DeBOER: Thank you, Mr. Clerk. Mr. Speaker, for an announcement.

ARCH: Thank you, Madam President. So as you look at the agenda, you will see that there are a number of bills on Select File which we have yet to address. Whatever we do not complete today will be carried over to tomorrow's agenda. But I'll let you know that a

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number of the Revenue bills will be up tomorrow, which could take most of the day. Additionally, we have several gubernatorial confirmation appointments to approve tomorrow. The more bills we can vote on today will put us in a better place tomorrow. So if you are not in the Chamber, I ask you either be checked out or listening for a call of the house and be able to return promptly. Absolutely do not leave the building if you are not excused. Waiting for members to return for a call of the house could mean the difference between completing or not completing our agendas over the next 2 days. Additionally, I have asked the Clerk to close the voting board shortly after we reach 25 votes on a measure. If you want to be recorded as voting on a measure, you'll need to be in the Chamber and hit your voting button promptly. Time matters in the next couple of days if we want to address our priority bills. Thank you, Mr.-- Madam President.

DeBOER: Thank you, Mr. Speaker. Mr. Clerk, for the next item.

CLERK: Madam President, Select File, LB253. First of all, Senator, I have E&R amendments.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB253 be adopted.

DeBOER: Colleagues, you've heard the motion. The question before the body is the adoption of the E&R amendments to LB253. All those in favor say aye. All those opposed say nay. They are adopted.

CLERK: Madam President, Senator Fredrickson, I have an amendment with a note that you wish to withdraw.

DeBOER: So ordered.

CLERK: In that case, Madam President, Senator Wayne would move to amend with AM3321.

DeBOER: Senator Wayne, you are recognized to open on AM3321.

WAYNE: I will keep this brief. Thank you. I want to thank Attorney General Hilgers, Senator Bosn, Senator Lowe, and the county attorneys. We met several times. The amendment includes, I think, exactly what they asked for. There is not a presumption of eligibility. There are two separate determinations. One is the eligibility to participate, and then the second part is allowed to

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participate. The offenses that are not currently probation eligible were excluded. In AM3321, more offenses are also excluded in the original bill, and that includes any regitable, regitable-- "registrationable" sex offense, third and subsequent DUI offenses that would result in death of another person, other offenses that would interfere with federal transportation funding. Once a veteran is deemed eligible, they can ask the court to allow them to participate in the program. In AM3321, there is no presumption that they will be allowed to participate for a second and subsequent DUI or any offense that results in seriously bodily injury to another person. For other offenses, there is a presumption of eligibility for veterans would be allowed to participate, but this presumption can be overcome by the court based off of the same factors that they use right now to determine probation. There was a, a question in the email about deferred judgment. Let me be clear, the Supreme Court held that deferred judgment is constitutional in *State v. Gnewuch*, which is 316 Nebraska 47 [SIC], March 1-- decided March 1, 2024. County attorneys all over the state, diversion programs in which def-- dev-- which defendants can participate without entering a plea. They do that now. It doesn't change any of those things. And supervision on deferred judgment is the same as people and administration that supervises people on probation and post-supervised release program. So that's what the amendment does. We had multiple conversations, and that's where we are today. And I would ask for a green vote on AM3321. Thank you, Mr. President.

DeBOER: Thank you, Senator Wayne. Seeing no one else in the queue. Senator Wayne, you are recognized to close on AM3321.

WAYNE: Thank you, and I'll be even shorter. It doesn't go unnoticed that April is a second chance month. It's for those who have committed a crime, and we're trying to figure out how to give them second chances. And this is a way to do it on the front end so I would ask for your-- for, for veterans, and I would ask for you to vote green on AM3321. Thank you.

DeBOER: Thank you, Senator Wayne. Colleagues, you've heard the amendment. The question is, shall AM3321 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted. Mr. Clerk, for the next item on the bill.

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CLERK: Madam President, Senator Holdcroft would move to amend with AM3366.

DeBOER: Senator Holdcroft, you are recognized to open on AM3366.

HOLDCROFT: I withdraw that amendment.

DeBOER: So ordered.

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

DeBOER: Seeing no one else in the queue. Senator Ballard for a motion.

BALLARD: Madam President, I move that LB253 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk, for the next item.

CLERK: Madam President, LB-- Select File, LB196. First of all, I have E&R, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB196 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB196 say aye. All those opposed say nay. They are adopted. Mr. Clerk.

CLERK: Madam President, Senator Bostar would move to amend with FA418.

DeBOER: Senator Bostar, you're recognized to open on FA418.

BOSTAR: I'd like to withdraw FA418.

DeBOER: So ordered.

CLERK: Madam President, in that case, Senator Bostar, I have AM3436.

DeBOER: Senator Bostar, you're recognized to open on AM3436.

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BOSTAR: Thank you, Madam President. And good afternoon, colleagues. AM3436 is an amendment brought to me by DAS to address the portion of the bill related to claims arising within the-- in the line of duty death statutes and provisions within LB196. It changes the appeals process and allows-- if, if a-- if a claim is filed under those provisions and it is denied, it would allow the claimant to effectively seek appeal through the court system rather than just going back to effectively the same entity that issued the denial. So this will help streamline some things on the administrative side, as well as, I think, provide a better level of adjudication for these-- for these claims. Also, it is my understanding in the message from the administration at DAS that with this amendment it will also reduce the fiscal note for the bill. Thank you.

DeBOER: Thank you, Senator Bostar. Seeing no one else in the queue. Senator Bostar, you're recognized to close. Waives closing. The question before the body is the adoption of AM3436. All those in favor say-- vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

DeBOER: It is adopted. Mr. Clerk, for the next item on the bill.

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB196 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB196 to E&R for engrossing say aye. All those opposed say nay. It is advanced. Mr. Clerk.

CLERK: Madam President, LB196A, Select File. I have no E&R amendment. Senator McDonnell would move to amend with AM3371.

DeBOER: Senator McDonnell, you're recognized to open on AM3371.

McDONNELL: Thank you, Madam President. This, this catches up the amendment with the, the A bill with the \$2.7 million from the general cash funds at \$689,000 federal, \$117,000 of other funds, \$55,000 for the \$3.6 million. Thank you, Madam President.

DeBOER: Thank you, Senator McDonnell. Seeing no one else in the queue. Senator McDonnell, you're recognized to close on your motion.

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McDonnell waives. The question before the body is the adoption of AM3371 to LB196A. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted. Anything further on the bill?

CLERK: I have nothing further, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB196A be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB196A to E&R for engrossing vote aye-- say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, LB361 [SIC-- LB631], Select File. I have E&R amendments, first of all, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB361-- or, LB631 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB631 say aye. All those opposed say nay. They are adopted.

CLERK: Madam President, Senator McKinney would move to amend with AM3349.

DeBOER: Senator McKinney, you're recognized to open on AM3349.

McKINNEY: Thank you, Madam President. AM3349 is a amendment that I had put together that I discussed on General that, after speaking with the Governor's Office and people from the department to address some of their concerns about the bill, this is what AM3349 is addressing. I have additional-- a couple additional amendments to address some things that weren't caught in the drafting, and also to address-- a floor amendment to address some concerns that came from Probation. But AM3349 is an amendment that addressed the concerns from the Governor's Office and the department, which they're OK with to my knowledge. So I ask for your green vote. Thank you.

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DeBOER: Thank you, Senator McKinney. Seeing no one else in the queue. You're recognized to close on your amendment. Senator McKinney waives closing. The question before the body is the adoption of AM3349 to LB631. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted.

CLERK: Next item, Madam President, Senator McKinney would move to amend with FA411.

DeBOER: Senator McKinney, you're recognized to open on your floor amendment.

McKINNEY: FA411 addresses a couple concerns that the Office of Probation had around the separation of powers and making sure we clean up some language. So that's all it does. It changes a "shall" to a "should" to address their concerns. And that's all it does. Thank you.

DeBOER: Seeing no one else in the queue. Senator McKinney, you're recognized to close. Waives closing. The question before the body is the adoption of FA411 to LB631. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays on adoption of the floor amendment, Madam President.

DeBOER: It is adopted.

CLERK: Madam President, next item, Senator McKinney would move to amend with AM3434.

DeBOER: Senator McKinney, you're recognized to open on AM3434.

McKINNEY: So AM3434 addresses a fix that we didn't address in AM3349 once we had "stricked" a, a couple sections, so all that-- all it's doing is cleaning up some language on page 7. So if I could get your green vote, that would be helpful. And Senator Aguilar is going to come up after me with an additional amendment. It is not a hostile amendment and I support it, but I won't get in the queue to talk about it, but I support the additional amendment that's going to come from Senator, Senator Aguilar. Thank you.

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DeBOER: Thank you, Senator McKinney. Seeing no one else in the queue. Senator McKinney, you're recognized to close. He waives closing. The question before the body is the adoption of AM3434 to LB631. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted. Mr. Clerk, for the next item on the bill.

CLERK: Madam President, Senator Aguilar would move to amend with AM3439.

DeBOER: Senator Aguilar, you are recognized to open on AM3439.

AGUILAR: Thank you, Madam President, and members of the Legislature. AM3439 would strike provisions in LB631 as amended, which refer to the Inspector General for the Nebraska Correctional System and the Office of Public Counsel, commonly referred to as the Ombudsman Office. These sections were added to the bill as part of Senator McKinney's AM3262 and appeared designed to ensure that both offices have the ability to provide oversight of programs and services under the Community Work Release and Reentry Centers Act. After consulting with the Ombudsman and the IG for, for Corrections, they believe they have authority under existing statute, as well as a memorandum of understanding that was entered into between the Legislature and the executive branch earlier this session. As a result, the language in the amendment is unnecessary, and they have asked that the language be struck from the bill. I would ask for your green vote to adopt AM3439. Thank you, Madam President.

DeBOER: Thank you, Senator Aguilar. Seeing no one else in the queue. Senator Aguilar, you're recognized to close. And waives closing. The question before the body is the adoption of AM3439 to LB631. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted.

CLERK: I have nothing further on the bill, Madam President.

DeBOER: Senator Ballard, for a motion.

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BALLARD: Madam President, I move that LB631 be advanced to E&R for engrossing.

DeBOER: A record vote has been requested. Colleagues, you've heard the motion. The question is the advancement of LB631 to E&R for engrossing. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Arch, Armendariz, Ballard, Blood, Bostar, Brandt, Brewer, Cavanaugh, Cavanaugh, Day, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Halloran, Hughes, Hunt, Jacobson, Kauth, Linehan, McDonnell, McKinney, Meyer, Riepe, Sanders, Vargas, von Gillern, Walz, Wayne. Voting no: Senators Clements, Hardin, Lippincott, and Lowe. Not voting: Senators Albrecht, Bostelman, Erdman, Hansen, Holdcroft, Ibach, Moser, Murman, Wishart, Bosn, Conrad, Raybould, Slama. The vote is 32 ayes, 4 nays, 9 present, not voting, 4 excused, not voting.

DeBOER: It is advanced. Mr. Clerk, for the next bill.

CLERK: Madam President, LB631A. I have no E&R amendments. Senator Wayne would move to amend with AM3432.

DeBOER: Senator Wayne, you're recognized to open on your amendment.

WAYNE: Thanks. This amendment strikes Section 4, it's for the crime commission. Since Senator McKinney has updated his bill, that section is no longer needed, so it reduces the overall spend. Thank you, Mr. President. Madam President. Sorry.

DeBOER: Thank you, Senator Wayne. The question is the adoption of-- there's an amendment to the amendment.

CLERK: Madam President, Senator Wayne would move to amend the amendment with FA420.

DeBOER: Senator Wayne, you're recognized to ope-- to open on FA420.

WAYNE: Sorry. Fiscal-- thank you, Madam President. Fiscal just told me this is what this amendment does. The first amendment reduces the overall fiscal note from the previous amendment. Now, this amendment corrects what Senator McKinney just did on his Corrections bill. So, again, it's a reduction on the overall spend. Thank you, Fiscal for, for catching that. And thank you, Madam President.

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DeBOER: Thank you, Senator Wayne. Seeing no one else in the queue. Senator Wayne, you're recognized to close on your floor amendment. He waives closing. All those in favor of FA420 vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

DeBOER: It is adopted. Seeing no one else in the queue. Senator Wayne, you are welcome to close on AM3432. Senator Wayne waives closing. The question before the body is the adoption of AM3432. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

DeBOER: It is adopted. Is there anything further on the bill?

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB631A be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. It is adopted-- or, it is advanced.

CLERK: Madam President, next bill, LB399, Select File. First of all, there are E&R amendments, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB399 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB30-- LB399 say aye. All those opposed say nay. They are adopted.

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB399 be advanced to E&R for engrossing.

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DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB399 to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, LB686, Select File. I have no E&R amendments, Senator. Senator Jacobson would move to amend with AM3413.

DeBOER: Senator Jacobson, you're recognized to open on AM3413.

JACOBSON: Thank you, Mr. President. First of all, a special thank-you to Senator McDonnell and Senator Walz and the League of Municipalities and the firefighters for being agreeable to make the amendments necessary so that we can get an agreement moving forward. Essentially, what this amendment does is it adopts the amendment that I had offered before, but the biggest change would be there was a pooling that was wanted-- that, that was requested by the firefighters to allow them to pool their funds with another-- with another fund, potentially, for some synergies. But they could do that without any approval of the municipalities involved. So the agreement was that, that without an agreement by the municipalities, that any of those costs would be borne by the firefighters themselves. Those were essentially the changes that were done. I would certainly defer to Senator McDonnell the remainder of my time on the open to let him respond to this agreement as well.

DeBOER: Senator McDonnell, you're yielded 8 minutes, 56 seconds.

McDONNELL: Thank you, Madam President. Good afternoon, colleagues. Again, echoing what Senator Jacobson just said, a, a number of people worked on this after we had the debate on the floor last week. Want to thank everyone. We do have a compromise and we do have an agreement. I'd encourage everyone to vote for AM3413 and Senator Walz's bill, LB686. Thank you very much.

DeBOER: Thank, thank you, Senator McDonnell. You're next in the queue.

McDONNELL: Oh, I'm--

DeBOER: Senator McDonnell waives his opportunity. Seeing no one else in the queue. Senator Jacobson, you are recognized to close. Senator Jacobson waives closing. The question before the body is the adoption of AM3413. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays on adoption of the amendment, Madam President.

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DeBOER: It is adopted.

CLERK: Senator Clements, I have FA369 and FA368, both with notes that he would wish to withdraw.

DeBOER: So ordered.

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

DeBOER: Senator Walz, you're recognized. Senator Ballard.

WALZ: Thank you, Madam President. Just very quick, I thank everybody for all the hard work that they put into this. I want to thank the Speaker for putting this on the agenda. It was a well-fought fight, but I think the process worked well. And I can tell you right now that there are a bunch of firefighters who really appreciate the work. Thank you.

DeBOER: Thank you, Senator Walz. Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB686 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing for engrossing LB686 say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, LB1370, Select File. First of all, Senator, I have E&R amendments.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1370 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments say aye. All those opposed say nay. They are adopted.

CLERK: Senator Blood would move to amend with AM3164.

DeBOER: Senator Blood, you're recognized to open on your AM3164.

BLOOD: Thank you, Madam President. I'm going to make this brief. Apparently, there was some negotiations going on and there is a new amendment that's [INAUDIBLE] negotiated with Senator Cavanaugh. But if you compare my amendment and his amendment-- I believe I filed

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mine a week ago-- they're almost identical. They just have some varying language, which I find puzzling, but I want to know that I will support Senator Cavanaugh's amendment should it get passed. And after saying a few words will pull mine. I think that it's important that we protect working men and women in counties that apply to the legislation that we're going to talk about today or vote on today, especially for our union brothers and sisters. We need to make sure that they don't get screwed over, that they have options and they have places they can go and still generate income, and if not, that they have resources available to them. I do also want to point out that although I'm in full agreement that we need to protect our, our infrastructure from hostile countries, this bill still does not address other materials from China besides generation and transmission. So I think it's really important as we continue to pound on foreign countries that we consider adversaries that, when we craft bills like this, that we look at them holistically because bill after bill after bill we wave the flag and say what an awesome job we're doing, but we keep missing the most obvious things in front of us. With that, I will pull my amendment.

DeBOER: It is withdrawn.

CLERK: Madam President, Senator Bostelman would move to amend with AM3245.

DeBOER: Senator Bostelman, you are recognized to open on AM3245.

BOSTELMAN: Thank you, Madam President. The AM is a result of negotiations that took place between General and Select File and makes two specific changes. The first change clarifies that the reason for the closed hearing is due to the discussion of proprietary and commercial information. The second change allows private electric suppliers who are required to follow North American Electric Reliability Corporation Critical Infrastructure Protection requirements to certify to the Power Review Board that they are in compliance with the NERC rather than certifying that their facilities contain all electronics, materials, or any other components manufactured by a foreign adversary pursuant to 15 CFR 7.4. I ask for your green vote on AM20-- or, AM3245 and Senator John Cavanaugh's AM that will be coming up next, as well as the underlying bill, LB1370, and its advancement. Thank you.

DeBOER: Thank you, Senator Bostelman. Seeing no one else in the queue. Senator Bostelman, you're recognized to close on your amendment. He waives closing. The question before the body is the

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adoption of AM3245 to LB1370. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted.

CLERK: Madam President, Senator John Cavanaugh would move to amend with AM3426.

DeBOER: Senator John Cavanaugh, you're recognized to open on AM3426.

J. CAVANAUGH: Thank you, Mr. President. Colleagues, I ask for your green vote on AM3426. What this does is-- the actual-- original LB1370 requires that power companies, generators before they shut down a plant, they have to submit to the Power Review Board their plans, and then it's critiqued in terms of our reliability and redundancies. This just says before you close a plant, that generator also has to have a plan for what they're going to do for the workers who work at that plant. So that came up at the hearing, and I worked with Senator Bostelman, with the power companies, and with some of the, the workers on this. And so I'd appreciate your green vote on AM3426. Thank you, Madam President.

DeBOER: Thank you, Senator Cav-- John Cavanaugh. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Madam President. I echo Senator John Cavanaugh. Ask for your green vote on AM3426 and LB1370. Thank you.

DeBOER: Thank you, Senator Bostelman. Seeing no one else in the queue. The question-- Senator Cavanaugh, you're recognized for closing. And he waives his closing. The question before the body is the adoption of AM3426 to LB1370. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: It is adopted.

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

DeBOER: Senator Ballard, you are recognized for a motion.

BALLARD: Madam President, I move that LB1370 be advanced to E&R for engrossing.

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DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB1370 to E&R say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, Select File, LB1017. I have a series of motions from Senator Machaela Cavanaugh, MO1223, MO1224, MO1225, MO1226, and MO1227, all with notes that she wishes to withdraw.

DeBOER: Without objection. So ordered.

CLERK: I have nothing further on the bill, Madam President.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB1017 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB1017 to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President-- first of all, Madam President, I have E&R amendments.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1092 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB1092 say aye. All those opposed say nay. They are adopted.

CLERK: Madam President, Senator-- excuse me, Senator Machaela Cavanaugh, I have MO1313 and MO311 [SIC-- MO1311], both with notes that you wish to withdraw. In that case, Madam President, Senator Murman would move to amend with FA403-- FA304.

DeBOER: Senator Murman, you're recognized to open on FA304.

MURMAN: I'll waive that.

DeBOER: He waives his opening. Senator-- turning to the queue. Senator Blood, you're recognized.

BLOOD: Madam President, before I speak, I think he wanted to pull his amendment, not waive his intro.

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DeBOER: Senator Murman, is that correct? Did you want to waive your-- or, pull your amendment?

MURMAN: Yes, pull it.

DeBOER: Without objection. So ordered.

CLERK: Madam President, Senator Murman would offer MO1318.

MURMAN: Withdraw.

DeBOER: Without objection. So ordered.

CLERK: I have nothing further on the bill, Madam President.

DeBOER: Senator Blood, you're recognized.

BLOOD: Thank you, Madam President. Fellow senators, friends all, I am going to talk a little bit on this bill because I want to make sure that you clearly understand what you're voting on. One of the amendments that were pulled-- was pulled shows that Senator Murman still is very confused about what his bill means and what it does, and it was in reference to something that was brought up to him by Senator John Cavanaugh, where there was the word transmute and transmit, and they thought it was a typo. But the word transmute in the body of the bill means to not change an image. So you heard me talk a little bit about AI. That would kind of cover the AI portion of pornography, but not really. We also saw that, if you look at the bill, it says animation. So I think we're going to have a very fine line when it comes to anime, because much of anime is pornographic for adults and meant for adults only. But the biggest thing I want you to know is that in the bill it says: commercial entity shall not retain any identifying information. So this bill only applies to commercial entities. Your child can get pornography for free anywhere. So the only thing that you are doing, again, is opening up adults to have their information shared through data brokers. I spoke with Senator Murman, I spoke with the Speaker, and I tried to, to broker something in reference to, how do we create a data broker registry? I was asked to speak with a staffer, who I did, who supposedly was going to speak on our behalf to the Attorney General's Office, and it went downhill from there. I, in good faith, tried to make a bill better, tried to make sure that any technology bills that we have go through the Legislature are addressed properly by the state. The Attorney General's Office doesn't want anything to do with the data registry. We talked with the Secretary of State's Office. It's our understanding that they can't do anything like that unless

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we pass legislation that forms the data registry because it's going to include fees also. So I suggested to Senator Murman that perhaps he-- perhaps he changes the effective date until the registry can be put into place next year because I assume you'll all be smart enough to get that passed in legislation next year. But he's not willing to do that. So I think many of you are willing to do this so you can go to your, your ALEC parties or Ladies of Liberty parties and wave your flag and say we stopped children from looking at pornography. But that is not what you're doing today when you vote in favor of this bill. Because, again, we're talking about commercial entities, and supposedly they are not to retain any identifying information. But, yet, in the bill it says there can be civil action for damages. Who's a lawyer? Senator Bosn, if she would yield to some questions.

DeBOER: Senator Bosn, will you yield?

BOSN: Yes.

BLOOD: Sorry, Senator Bosn. Usually you can throw a rock and hit a lawyer, but you're my closest one. So if this information is private, how do we prove damages in civil action for something like this?

BOSN: I'm coming in at the tail end of your question here. I don't know what exactly you're referring to.

BLOOD: So we're talking to the pornography bill.

BOSN: Right. Well, that far I know.

BLOOD: And, and, you know, because you're in that committee, that, they're saying that the data is private and they get rid of it and they don't keep it in any fashion. The latter part of the bill says that the family or the victim can file civil action and claim damages. What damages would they claim and how would they prove that if the information of the data is not kept?

BOSN: So that's a pretty detailed question I don't know the exact answer to, but my understanding of where the confusion may lie is that it's a third-party individual or company vendor that is maintaining the verification of the age of the individual. So your example, I believe, was Pornhub. Someone goes onto Pornhub--

DeBOER: One minute.

BOSN: --and says that they were not-- their age was not verified by Pornhub and they were granted access. Is that your example?

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BLOOD: I'm not talking about third parties, in general, but you just brought up a really valid point. A third-party organization will have this data, yes.

BOSN: OK, so it's the third party that does the age verification and gives you the pass-through to the website. If that third party doesn't verify it and sends you on, that would be your cause of action.

BLOOD: And how do you prove that?

BOSN: Those, those are great questions. Probably would need more thought than I have in the next 40 seconds.

BLOOD: OK, I may-- since I'm in the queue again, I may hit up another lawyer and see if we can get an answer from that.

BOSN: OK.

BLOOD: Thank you, Senator Bosn. Friends, again, you can be-- guess my time's up-- you can be angry about this and you can want to support this cause. But look at the legislation, I hate that I'm the squeaky wheel on this.

DeBOER: Time, Senator. Thank you, Senator Blood. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. I spoke with Senator Murman earlier today about this bill because I had motions filed and I had talked on it at the last round. I am not going to stand in opposition for more than just right now. I, I oppose it for similar reasons to what Senator Blood is talking about. I, I appreciate the intention of this bill, but I, I am concerned about the implementation. And I think that there is probably going to be some legal action taken and that's going to come at a cost to the state. But I just, you know, think that we probably needed to work on this bill a little bit more, maybe next year. But if the body is going to vote for it, then they're going to vote for it, so. I will be asking for a machine vote when we get to a vote so we have a record of who opposed it. And with that I would like-- by opposing-- I mean, I want to record that I opposed it. I would like to yield the remainder of my time to Senator Blood.

DeBOER: Senator Blood, you're yielded 3 minutes, 56 seconds.

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BLOOD: Thank you, Madam President. With that, I would ask that Senator Wayne, please yield to some questions.

DeBOER: Senator Wayne, would you yield?

WAYNE: Yeah.

BLOOD: I think he said yes.

WAYNE: Yes, I will. Correct. Yes.

BLOOD: Senator Wayne, did you hear the conversation I had with Senator Bosn?

WAYNE: I did not.

BLOOD: So here's my concern with the bill. If you read the bill, it says that civil action can be taken to collect damages. But we've been told over and over again that these third parties don't collect our data even though they do collect our data, and that they don't hold onto it so every child or adult that gets onto these pornographic sites will be safe. So if supposedly this data is not available, how do we claim damages? And what would those damages be?

WAYNE: So there's a couple-- I don't know what the damages would be. That would be up for an attorney to approve. The damages would have to be-- if there's any effect on, like, say, a child got on there and the parents suing on behalf of the child, what those damages would be. But to your point, if they don't save the data, I don't know how you can necessarily sue, which is part of the reason I'm OK with this bill because I don't know how you would actually enforce it.

BLOOD: Which I appreciate it, but at the same token, wouldn't it be great if a bill was written correctly? We keep passing these bills that mechanically can't happen and we'll-- we say, well, they can't make it happen because it's not written well. Wouldn't it just be better if we wrote the-- that's a trick question. I'm sorry. But--

WAYNE: Do you want me to-- do you want me to answer? This is your time so I don't really-- I mean-- so my, my answer is if you have to walk in and show your ID at a Kwik Shop to get a porn magazine, that same standard should be what's online.

BLOOD: But they give your ID back, don't they?

WAYNE: Correct.

BLOOD: All right. Thank you, Senator. And that's really the point of this issue. Yes, when you buy a plane ticket, yes, when you buy alcohol, when you buy pornography, when you buy OxyContin at the pharmacy, you have to show an ID. But they give you that ID back. They're not scanning it and keeping that information. So, yes, you're kind of protecting children, but only from commercial entities. Only from commercial entities. And now you're opening up the adults to having their data used by data brokers. And because nobody put data broker registries in all of their technology bills this year and Senator Murman is not willing to put a later start date on his bill, it starts when this bill passes. It starts when this bill passes. And so you can continue to say it's for the children--

DeBOER: One minute.

BLOOD: --it's for the children's safety. But is it really? And you say, well, it's just one more tool. It's just one more thing. It really isn't. You're really not doing anything. All you're doing is making a statement that you're against pornography and children viewing it, which I am as well. And then for those of you-- and I know we have at least one senator that said this on the floor, that says, well, adults shouldn't be looking at pornography. I absolutely agree with you. But that is not my job to tell adults they can't do what they have the legal right to do. If they are not hurting anybody and they are not committing crimes, crimes as a result of that, that is not our business. You don't have to like something, you do not have to like anything, but you have to accept the fact that others might want it and like it.

DeBOER: Time, Senator, but you're next in the queue.

BLOOD: We have passed a lot of legislation in the last 2 years, especially, because we don't like something, not because it was for the greater good of Nebraska, not because it was good policy, not because it was a well written bill. But, yet, we keep doing it. I could have filibustered today, but I said I wouldn't, and I keep my promises. But I'm going to put this on record over and over and over again. We have a bill, who-- Senator Murman, bless his heart, his intentions are good, but he doesn't understand the text of the bill. And I know that because we just had that discussion about transmit and transmute before we came to the floor with this bill today. And I know this because when we talk about things like civil action, he's not really sure what that means or how, how it should be applied. Because this bill is the same bill that's been shopped and used in other states, because we're going to go ahead and address that 25% of

these very-- and, friends, this is backed by data. Data, facts, and science, "F" words, right? We know that this is a fact that there is a movement, much of it comes from out of ALEC, where they are going to address that 25% of for-sure voters who are very much at one end of the spectrum when it comes to politics. And if they take these boogeyman bills and they continue to scare people, be it anti-LGBTQ bills, be it bills that pertain to things like this, be it bills that pertain to adversaries that are supposedly lurking everywhere, we know that there's only one reason behind it, and that's because, with each and every day, the way politics is, is going, it's hyper partisan and it's pulling us apart. But certain aspects have become so hyper partisan that some people are coming back to the middle, and that means votes are going to be lost for one party or another. Now, right now, obviously we're talking about more conservative voters that are not crazy conservative. But that 25% age demographic in 10 more years won't be alive to vote. 10, 20 years. So you guys are doing the damage now, I guess, and I don't understand that. What I do understand is good policy. I understand that if something is important to you, that you get your ducks in a row, you put your framework in, and you make sure that when that bill passes it can actually work. You don't have a broker-- a data broker registry. When your data is sold, there is not a darn thing you can do about it because you have to know where to go to find out where that data is and who-- who's selling it, where they're selling it, and that you can tell them to stop. There is nothing in place. So vote green because you're going to vote green. I'm going to decline to vote because this, this bill, as I said from the very beginning when we voted on it-- on it multiple times in committee and it didn't get out, I'm going to be present, not voting because this bill is not ready for prime time. And then when adults come to you after this bill passes, if the media does its job and explains to people that now their data is going to be open to these data brokers and that your privacy is going to be taken away from you, I'll let your office handle it because I'll be back in Bellevue at the end of this year. Thank you, Madam President.

DeBOER: Thank you, Senator Blood. Senator Murman, you're recognized.

MURMAN: Thank you, Madam President. I'm going to try and address as many concerns as Senator Blood brought up, I, I, I know that they were all concerned-- they were all addressed on General File, but I'll do my best to readdress them. First of all, she said these porn sites really don't hurt anybody. Adults ought to be able to get on them. They really don't hurt anybody. It's none of our business what adults do. But pornography is really causing a lot of problems,

especially for minors, but for adults, too. There's mental health harms. There's influences on unsafe behavior, unhealthy and even violent behavior towards women and men. And that's all found on these websites-- on these pornographic web-- websites. So how do we protect our kids? Multiple senators in the last debate mentioned that, as parents themselves, they believe by using parental controls, education, and communication with their children. This is great, and I support that 100%. But what I hope they can understand is that parents across the country are still struggling to take this challenge on. A 2022 poll showed that 86% of parents agreed that it's too easy for kids to access pornography online. So despite these best efforts of our great parents throughout Nebraska, the data is showing that children are nonetheless being exposed to this content, so we ought to do more. The bill simply puts a basic safeguard in place to prevent minors from accessing pornographic websites by requiring basic age verification. There are different ways a website can do this, the mechanisms are already in place. A digital copy of a state ID could be submitted. Many e-cigarette and vape online stores and even online gambling, of course, already require this, and they utilize these third-party age verification providers. Nine other states in this country have already passed very similar laws to this, and it is being proposed in 25 states. So-- and they're passing it quickly. I mean, when I first started working on this bill, I think it had passed in three states. And the longer we take, the more states are going to be passing this bill or one very similar to it. The Age Verification Providers Association lists 12 possible forms of third-party age verification options on their websites. If you want to learn more about the different methods of age verification available, I would take a look-- take a look at their website. Because of this, the bill recognizes a website could utilize a different commercially reasonable method. If an online platform fails to put these reasonable guardrails in place and a minor does access pornography, that platform could be held liable by the minor or the parents or the guardians. So that is the civil action that can be taken. Finally, allow me to address some of the terms that were brought up-- concerns that were brought up at last debate. It was mentioned that LB1092 uses the age 18, while Nebraska is an age of adulthood at 19. While this is true, I would urge you to take Nebraska Statute 28-807. In that statute, it uses the same definite-- definition of material harmful to minors, and it defines minors in this context as 18. For example, the current law says the legal age to buy a physical Playboy magazine would be 18. LB1092 is consistent with that law by saying if you must be 18 to buy a Playboy magazine, you must be 18 to access Pornhub.

DeBOER: One minute.

MURMAN: And then the-- on the data privacy amendments, the idea was brought that some kind of additional protection if someone's data indeed unlawfully retained based on the verification process. And we worked with the Attorney General with this. And he said-- he says that some kind of legal action can already be taken and is taken in those situations. I thought this was a, a very-- and this would be against the age of verification provider. And I thought this was a very reasonable idea, so had conversations with Senator Blood and Attorney General on this. The Attorney General says that they already have this file, this power. Under statute 87-802 through 808 is the Financial Data Protection and Consumer Notification of Data Security Breach Act.

DeBOER: Time, Senator.

MURMAN: Thank you.

DeBOER: Thank you, Senator Murman. Senator Kauth, you're recognized.

KAUTH: Thank you, Madam President. I had one correction to make to Senator Blood's statement about the IDs. When you go to a grocery store and you present your ID to purchase alcohol, they do scan it in. There's a barcode now on your driver's licenses. So they are scanning in your information and collecting it. So I just wanted to make that clear to the public. Thank you.

DeBOER: Thank you, Senator Kauth. Senator Blood, you're recognized and this is your third opportunity.

BLOOD: Thank you, Madam President. I'm going to make this count. I'm going to ask Senator Jacobson to take his conversation to the side, though. So, again, Senator Murman does this thing where he answers questions that weren't asked. So here's some things I want you to think about. If there's a cause of action for a parent whose kid got on the site, how does the company defend themselves if the kid used a fake ID-- lawyers in the room-- or whatever, and they did everything they could? How do we know the kid was on the site? We don't know unless they're keeping that kid's data, which opens that kid up to having his information sold by a data broker. And I was-- someone else texted me the same thing that Senator Kauth just said, by the way, that they're scanning it. I'm not sure they're keeping the information. If they are, I would talk to your grocery store, your liquor store, find out who is selling your information through the

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data broker registry and get your name taken off of it. And Senator Murman, not once did I say that pornography didn't hurt anybody, not once. And you just quoted me as saying that. Nope. You find that video and you show me that, OK? Because what I have said over and over again is that I do not support pornography. I don't agree with pornography. What I said was I don't get to push my personal likes and dislikes on other people. I make laws for all Nebraskans, not myself. I don't approve because it's not our job to be the morality police. And then you talked about how parents are saying it's too easy for kids to find pornography. Well, clearly those parents aren't using parental controls. Clearly, those parents aren't parenting. They're handing their kids the iPad or their phone, their smartphones in the restaurant when the child won't behave. When they want to watch a movie or read a book and they don't want to entertain their own children, they hand them technology. When parents complain about how easy it is to get pornography on the Internet, there's one person to blame. That's the parent. We've already become a nanny government in Nebraska. We want to parent everybody, we want to tell everybody how they should act if they identify differently than we do, we want to tell people whether they should or should not participate in pornography. Whatever happened to smaller government? So many of our bills have been about us being intrusive on local governments, on political subdivisions, on families and parenting. You know, some of the same people, you're pushing these bills were the big anti-vaccine people and anti-maskers. I know Senator Kauth was definitely one of them because I saw that interview. We don't want the government in our business, but here we are again. I don't understand why you're willing to pass a bill that opens everybody up, including the children, to having their personal information sold. And the average grade schooler that has any computer experience can utilize a VPN anyway. So one more tool in the toolbox, not really. What you've done is you have opened up a Pandora's box of people getting their data, their information stolen. And if you look at those different 12 factors-- for instance, face recognition. Face recognition is a better identifier than a fingerprint. But, hey, let's go ahead and give technology everything they want. Here's our name. Here's our address. Here's our credit card information. Here's our political views. Here's what we like and don't like. Here's where we live. Here's the street that we live on. Good for you. Because that's what you're doing when you pass that bill. You might want to think about being present, not voting because we had an opportunity to fix this bill a little bit by having the data broker registry. But Senator Murman doesn't want to change the date on that bill to make sure that--

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DeBOER: One minute.

BLOOD: --that happens in the next session, and that's on him. But I'm going to be present, not voting. I am not going to slow-walk this bill, Senator Arch-- Speaker Arch. But I do want to make sure that this is all on record so when people do start taking it to court, they have something that says the state of Nebraska knew this and we chose still to vote for a bill like this. Thank you, Madam President.

DeBOER: Thank you, Senator Blood. Seeing no one else in the queue. Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB1092 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. The question is the advancement of LB1092 to E&R for engrossing. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 30 ayes, 1 nay on advancement of the bill, Madam President.

DeBOER: It is advanced.

CLERK: Madam President, next bill, Select File, LB1300. First of all, there are E&R amendments, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1300 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB1300 say aye. All those opposed say nay. They are adopted.

CLERK: Madam President, I have FA346 and FA347 from Senator Machaela Cavanaugh, both with notes that she wishes to withdraw.

DeBOER: So ordered.

CLERK: In that case, Madam President, Senator Bostar, I have AM3405 with a note that you would withdraw and substitute AM3423.

DeBOER: Without objection. So ordered. Senator Bostar, you're recognized to open on your amendment.

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BOSTAR: Thank you, Madam President. This amendment does a number of things. First of all, it addresses a lot of the fiscal impacts of the bill. It removes some of the required reports out of some of the sections of the bill. So it, it dramatically lowers the fiscal impact. And then, maybe more importantly, it addresses a lot of the concerns that had come up, particularly from public power, about some of the elements within the bill. And I just-- I think I just want to say that I, I really appreciate everyone's work on this throughout the entire session, but particularly also between General and Select. NPPD, LES, and the NREA really working kind of overtime and over the weekend to, to find the right language that both ensures that we are passing legislation that creates adequate and appropriate protections for the people of Nebraska while ensuring also that we aren't doing anything unreasonable or overly burdensome to the state's utilities and public-- political subdivisions. So with that, I would ask for your support for AM3423.

DeBOER: Thank you, Senator Bostar. Seeing no one else in the queue. Senator Bostar, you're recognized to close on your amendment. And he waives closing. The question before the body is the adoption of AM3423. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted.

CLERK: Madam President, I have FA399 with a note that Senator Bostar would withdraw and offer FA419 in its place.

DeBOER: Without objection. So ordered. Senator Bostar, you're recognized to open on FA419.

BOSTAR: Thank you, Madam President. And I will be brief. So the last amendment we adopted, which was-- the, the bulk of the amendment for the bill was AM3423. And one of the provisions in there that we added was related to the procurement sections of the bill. And, functionally, what it did was it, it said that if you are compliant with the NERC standards for electric utilities on your procurement, which is all federally regulated, that we, we accept that. And so there's then a duplicative section that sort of exists alongside it that we just need to replace. And so that's all that FA419 does. So I would ask for your green vote on FA419.

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DeBOER: Seeing no one else in the queue. Senator Bostar, you're recognized to close. Senator Bostar waives closing. The question before the body is the adoption of FA419. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of FA419.

DeBOER: It is adopted.

CLERK: Madam President, Senator Bostar, I have FA401.

DeBOER: Senator Bostar, you're recognized to open on FA401.

BOSTAR: Thank you, Madam President. If I may, I would request that all remaining amendments introduced by me be withdrawn.

DeBOER: Without objection. So ordered.

CLERK: Madam President, Senator McDonnell would move to amend with AM3408.

DeBOER: Senator McDonnell, you're recognized to open on your amendment.

McDONNELL: Thank you, Madam President. Good afternoon, colleagues. This is a technical cleanup from Bill Drafting. On line 26 [SIC], it changes "effective date of this act" and, and it changes it to "operative date of this section." Thank you, Madam President.

DeBOER: Thank you, Senator McDonnell. Seeing no one else in the queue. Senator McDonnell, you're recognized to close. He waives closing. The question before the body is the adoption of AM3408 to LB1300. All those in favor vote; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays on adoption of AM3408.

DeBOER: It is adopted. Anything further on the bill?

CLERK: I have nothing further, Madam President.

DeBOER: Senator Ballard, you're recognized for a motion.

BALLARD: Madam President, I move that LB1300 be advanced E&R for engrossing.

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DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB1300 say aye. All those opposed say nay. It is advanced. Mr. Clerk, for the next bill.

CLERK: Thank you, Madam President. LB1300A, I have no E&R amendments. Senator Bostar would move to amend with AM3393.

DeBOER: Senator Bostar, you're recognized for your amendment.

BOSTAR: Thank you, Madam President. AM3393 is-- amends the A bill to reflect what we just did, in particular to reduce the fiscal impact of the reporting requirements that were originally in LB1300 that no longer are. Thank you.

DeBOER: Seeing no else in the queue. Senator Bostar, you're recognized to close. Senator Bostar waives closing. The question before the body is the adoption of AM3393 to LB1300. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays on adoption of the amendments, Madam President.

DeBOER: It is adopted.

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB1300A be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB1300A to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, Select File, LB1197. I have E&R amendments, first of all, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1197 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB1197 say aye. All those opposed say nay. They are adopted.

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB1197 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB1197 to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, Select File, LB870. I have nothing on the bill, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB870 be, be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing E&R-- LB870 to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, Select File, LB870A. I have nothing on the bill, Senator.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB870A be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB870A to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, Select File, LB223 [SIC-- LB233]. First of all, Senator, I have E&R amendments.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB233 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB233 say aye. All those opposed say nay. They are adopted.

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CLERK: Madam President, legislative-- Select File, LB233. Senator Erdman would move to bracket the bill until April 18.

DeBOER: Senator Erdman, you are recognized to open on your motion.

ERDMAN: Thank you. I had mentioned to Brandon to withdraw that.

DeBOER: Without objection. So ordered.

CLERK: Madam President, I also have-- Senator Linehan, I have MO1354 and MO1356. Do you wish to withdraw those as well?

LINEHAN: I would like to ask Senator John Cavanaugh some questions first.

CLERK: In that case, Madam President, Senator Linehan would offer MO1354.

DeBOER: Senator Linehan, you are recognized to open on your motion.

LINEHAN: Thank you. So I have some questions about this bill and I would like to know if Senator John Cavanaugh would yield for some questions.

DeBOER: Senator John Cavanaugh, will you yield?

LINEHAN: I think he needs a microphone.

J. CAVANAUGH: Yes. There we go.

LINEHAN: Thank you. So just in layman's terms, can you tell me what you're trying to accomplish with this bill?

J. CAVANAUGH: Oh, yeah. Thank you for the question. So when somebody applies for ADC benefits-- and I'll use the example of a mother because that's most of the examples, but it can be the other way. So a mother has a child and they apply for ADC. When they do that, they have to say who the father is. And then the state is required to go and establish paternity against that father. And when they do that, then they order a child support order based on his ability to pay, which can often be a minimum support order. And then if that father does pay that support, which is not-- does not always happen, then under current law, the state takes all of that money and keeps it. And so we are allowed under federal law to--

LINEHAN: I'm sorry. He takes all of what money and keeps it?

J. CAVANAUGH: So, hypothetically, the father's ordered to pay \$50 a month, which is the minimum support order when I was practicing in this area. I think it's over \$100 now. But-- so if the father is ordered to pay \$50 a month, if he does pay that \$50, the state would keep that \$50 rather than give it to mom. So it's ordered as child support, but it's taken by the state. That's the current state of affairs. What this--

LINEHAN: How much would-- let's say it's a mom with two kids. How much would the aid to dependent children be a month?

J. CAVANAUGH: How, how much is the ADC benefit you're talking about?

LINEHAN: Well, am I calling it the right thing?

J. CAVANAUGH: No, I think you're right. I-- that I don't know off the top of my head. I think it can be-- it depends on, I think, partly on her other resources.

LINEHAN: So-- but surely there's some limit.

J. CAVANAUGH: There is. That's-- yeah.

LINEHAN: So do you know what that limit is?

J. CAVANAUGH: You mean what is the upper limit of how much she can get for two kids? I, I don't know that off the top of my head.

LINEHAN: Well, I think that would be helpful for the Legislature to know. What if she was getting \$1,000 a month in child support?

J. CAVANAUGH: That is an excellent question. Under this bill-- well, so under the current state of affairs, if she's getting \$1,000, if that's the support order and that was actually getting paid to her, that would-- the state would say you don't qualify for ADC and they would give you the child support. So they would give you whichever one is more. But under this bill, if you have a support order and you qualify for ADC, the maximum amount you would get is \$100 a month for one child and \$200 a month for two or more children.

LINEHAN: So if you get aid to dependent children then, do you get SNAP too?

J. CAVANAUGH: Well, you could get-- technically, qualify for other benefits, but this doesn't-- that's not implicated in this bill as amended.

LINEHAN: No, but I'm just trying to grasp the whole picture of a mom trying to raise two kids that doesn't have the financial wherewithal to have a great job. So she, she has to go to every door she can knock on, right, to get help. So she gets ADC, and then she would get some kind of SNAP benefit, right, depending on her income, is that what you're saying?

J. CAVANAUGH: Well-- and, and I'm not an expert, I guess, on that particular program so I couldn't tell you what all benefits on-- in any particular situation, I guess. I would-- I'd probably-- I can look into that and get you an answer, but I don't know off the top of my head.

LINEHAN: Would they most likely qualify for free, free lunch at school?

J. CAVANAUGH: Again, it's going to depend on the school and those other specific situations.

LINEHAN: What about CHIP program, would they qualify for CHIP?

J. CAVANAUGH: I think that they potentially would qualify for CHIP. Again, it's going to be dependent on the person on a case-by-case basis and what their specific scenario might be.

LINEHAN: OK. Well, I'm sorry I didn't ask these questions earlier, but it seems like--

J. CAVANAUGH: No, you're OK.

LINEHAN: --it seems like we should have some-- so we, we don't-- you don't know-- let's say the, the child support from whichever spouse is paying the child support is \$500 a month-- \$500 a month, do you know if they would still-- are they still qualified for aid to dependent children?

J. CAVANAUGH: So I guess your-- I'm sorry, your question is, if you have one child and the noncustodial parent is paying \$500 a month.

LINEHAN: It was actually two, but one. I don't care. Whichever.

J. CAVANAUGH: OK, so here's-- I guess, my understanding is-- so a single parent with one child who works full time at a minimum wage job has childcare costs of \$575 a month, they'd likely receive \$267 per month in ADC. So if they were getting \$500 a month, that would probably be greater than the amount of the ADC.

LINEHAN: But if they were paying for childcare, wouldn't that be subsidized?

J. CAVANAUGH: I, I don't know if that necessarily would be subsidized.

LINEHAN: Well, it would probably depend on their income, right?

J. CAVANAUGH: Again-- yes. I think a lot of these scenarios are, are fact specific.

LINEHAN: So what's the fiscal note?

J. CAVANAUGH: The fiscal-- actually, we just got a new fiscal note.

LINEHAN: OK.

J. CAVANAUGH: Thank you for asking. So we worked with the Fiscal Office. And the fiscal note, when fully implemented, is about that \$195,000. There is some technical costs that will require-- be required. However, I have an amendment, if we get to it, that delays the implementation so there will be no fiscal impact this year, which I'm told by the Fiscal Office we would be allowed to IPP the fiscal-- the A bill that follows this. But there's a computer system update required to get-- to be able to stop collecting this money and pass it onto the parent.

LINEHAN: Are you telling me-- am I understanding you right that we have this whole program to clawback money from somebody paying child support, and it-- to stop it, it only costs the state \$195,000?

J. CAVANAUGH: No, no. The-- it costs-- that's the amount of money that I think we estimate will be passed through. So that's the foregone money that we will no longer be collecting.

LINEHAN: Well, that's what I think I--

J. CAVANAUGH: OK, that was your question.

LINEHAN: So we, we have this whole system in place to take money away from small children and moms or dads and small children and it only-- and all's we're making-- all the state collects is \$195,000 a year?

J. CAVANAUGH: I believe that's my reading of it. Yeah.

LINEHAN: I, I can't-- is it your green amendment or what-- I guess-- I'm glad I'm asking these questions. I'm shocked that we would have a

program that would chase around people that clearly are having-- not in good financial shape and we would do that because it saves the state \$195,000 a year. Is that what you're saying?

J. CAVANAUGH: I would agree with you. I, I guess, playing devil's advocate since we're doing this, I think that there's some thought-- I lost my microphone. There's some thought that we were required to do this, and so we have to go to the feds, and we, we would have to ask permission not to do it. But it's pretty clear that's what my bill says, is that we shouldn't be spending all these resources to collect this small amount of money that is being paid by a parent for the support of a parent.

LINEHAN: So have other states done this?

J. CAVANAUGH: Yes.

LINEHAN: So how far down the list are we in getting this done?

J. CAVANAUGH: We're about halfway. I want to say about 20-some states have done some version of this.

LINEHAN: So we're not at the bottom of the pile yet.

J. CAVANAUGH: We're not the last to the party.

LINEHAN: OK. Thank you, Senator Cavanaugh.

J. CAVANAUGH: Yes. Thank you.

LINEHAN: I appreciate what Senator Cavanaugh's doing here. I do think and hope as we go through the rest of the day, we also have great concern about low-income kids. Thank you, Mr. President.

DeBOER: Thank you, Senator Linehan and Senator John Cavanaugh. Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. Good afternoon, colleagues. I appreciate the dialogue that my friends Senator Linehan and Senator John Cavanaugh were able to engage onto elicit a stronger and better understanding of how this measure works in line with our, our current work support programs and family economic self-sufficiency programs. I wanted to also draw the body's attention to two additional bills that are in the Health and Human Services Committee and I think will most likely need to be reintroduced next year to continue the conversation. But one measure that I have, and I spoke about it when

this was on General File, was in regards to LB310, and that would change the standard of need for families who are living or working in poverty under our current ADC program. And, friends, I, I know that there are a lot of acronyms and a lot of jargon when it comes to these programs: ADC, TANF, Standard of Need, H-- you know, everything under the HHS umbrella there. And it, it is complex. There's, there's no question about it. But what I want to make sure to reaffirm is a couple of things. One, Nebraska is definitely not a leader in having a robust program to ensure work supports for family economic self-sufficiency. And we've, we've failed to update these program components over many years, whether it's the child support piece that's present in Senator John Cavanaugh's measure, whether it's the eligibility piece that's present in Senator Machaela Cavanaugh's measure, or whether it's the Standard of Need measure present in the legislation that I brought forward. And I, I just want to draw your attention to a few other points here. So at its peak, these programs-- these work support programs, which are time limited, a very short amount of eligibility for families who fall on hard times to get back up on their feet. And at their peak, we saw, you know, 10,000, 15,000 families that would utilize these programs to, to work towards-- to work back towards self-sufficiency. And people fall on hard times for a lot of different reasons: lack of family support, mental health issues, physical support issues, a lot of different reasons. And today, because we've failed to update and evolve these programs, there's really one of the, the lowest points in terms of Nebraskans who are able to access and utilize these programs. I think it hovers maybe around 5,000 people today. And the 5,000 folks that are our Nebraska neighbors that are utilizing this program are the poorest of the poor. They're, they're, they're the poorest of the poor, friends. These are the, the most vulnerable Nebraskans. And they have kids and they've fallen on hard times. So if you look at the fiscal note, say, for example-- and I just pulled up the one on my bill because I'm most familiar with my legislation, of course, even though I'm a cosponsor and supportive of the other good bills that are out there to update the ADC program-- you can see the, the maximum payment amount that goes out to an individual is about 600 bucks a month, and then about \$140 for each additional individual or usually a kid there. But because we, we pay a-- not even the, the full amount of the maximum payout, we, we break it down on a Standard of Need. The, the current maximum payment out to an individual is, like, \$300 a month, about \$330 a month. And that, that doesn't go very far. And it's, it's even--

DeBOER: One minute.

CONRAD: --thank you, Madam President-- it's even less than that for kids. So remember, this is time limited. You can't be on this program forever. It's meant to help people get a hand up when they hit hard times. And we need to do more on the Standard of Need and the eligibility as well. But this is an important first step that's out there. I'm going to punch in again really quickly because I think I'm going to run out of time, but I'm almost there. The, the other thing that makes Nebraska an outlier in this regard, as you might remember, and we talked about this a lot last year and we had interim studies on it, is that Nebraska has failed to act on updating its TANF and ADC programs. And that's why we're sitting on that rainy day fund, which is an absolute outlier for how our other sister states treat this issue. And we, we really, really need to do more to make sure that those dollars go out as intended to Nebraskans in need, not just padding the bottom line of nonprofits or whatever, which do good work, but is not the point of this--

DeBOER: Time, Senator, but you're next in the queue.

CONRAD: --thank you, Madam President-- which is not the point of this-- of this program. The other thing that I want to remind people about in regards to this is, you know, we, we have to grapple with this issue, colleagues, and I've talked about it many times on the floor this year. If you read the Planning Committee report, and Senator DeBoer is in the chair and, of course, chairs that committee, we, we have an issue that we need to figure out how to deal with together. And when I hear concerns from Senator Erdman, Senator Armendariz, Senator Jacobson and others, they say, you know, we're spending money on SNAP, we're spending money on housing, we're spending money on ADC, we're spending money on Medicaid. It, it does get frustrating. And I, I understand what they're saying there. But when we have the number-- we're number one folks, and this is a stat we don't want to be number one at, where we have families working full time all year living in poverty and still eligible for these work support programs-- which, by the way, work together by design, SNAP, Medicaid, TANF, ADC, and the other programs that are out there. We, we, we have to be clear-eyed about how we're utilizing state's investments and whether or not we are subsidizing sub-poverty wages, which we're asking taxpayers to pick up the tab for. The private sector is really doing well in Nebraska, and we're grateful to have such a strong economy. But I, I know they want to do the right thing by their employees, but we need to be really thoughtful and ensure accountability for public resources to make sure we're not subsidizing jobs that come with low wages and no benefits, because then we're picking up the tab as taxpayers. And I think there's a

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growing discomfort with the current design of the programs across the political spectrum. So I'm looking forward to working with returning members, including Senator Jacobson and Armendariz and others to figure out how we can rightsize these programs, but also figure out how we can make sure state resources are not subsidizing jobs that, that don't mean a family's basic need and then are leaving the taxpayers on the hook to pick up the difference there. So I think that's a better lens to look at it from instead of, perhaps, extolling any sort of judgment or disdain for our Nebraska neighbors in need who have fallen on hard times for a variety of legitimate reasons and need a little bit of help to get back up on their feet and to make sure that their children in particular are not suffering the negative impacts of extreme poverty during those periods of hard times. So this is a modest but meaningful first step forward. We still need to keep our eye on the TANF rainy day fund, on eligibility, on Standard of Need, and otherwise. And I'm not saying we need to have a Cadillac program, but we need to have a more thoughtful, broad conversation about how these programs work with the current challenges and dynamics of our, our workforce and our economic conditions in Nebraska. Thank you, Mr. President-- Madam President.

DeBOER: Thank you, Senator Conrad. Seeing no one else in the queue. Senator Linehan, you are recognized to close on your recommit to committee motion.

LINEHAN: I withdraw. Thank you.

DeBOER: Without objection. So ordered.

CLERK: Madam President, Senator Linehan, I also have MO1356 with a note you would withdraw that as well.

DeBOER: Without objection. So ordered.

CLERK: In that case, Madam President, Senator John Cavanaugh would move to amend with AM3429.

DeBOER: Senator John Cavanaugh, you're recognized to open on AM3429.

J. CAVANAUGH: Thank you, Madam President. I just want to say thank you to Senator Linehan for the conversation. And, colleagues, I just-- it is really important that we hold each other accountable and actually help each other think through these issues because these are really important things and that we-- having somebody else's perspective on something critical or otherwise is helpful to

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understand what you're doing, what our intention is, and what's going to happen. And so I appreciate Senator Linehan's engagement on this and it really does help clarify what's going to happen on this bill and why this bill is important. So I really do appreciate that. What this amendment does, though, is it delays the implementation by one more year because DHHS needs that time to do some programmatic updates so that they can stop taking this money. But the great byproduct of that is the next vote after this would be the IPP of the-- of the A bill, which Fiscal told me we can do if we adopt this amendment. So I'm asking for your green vote on this amendment and your green vote on the bill, and then your green vote on the IPP of LB233A, which comes up next. I would just point out for clarification, fully implemented, which will be in 2026-27, we're estimating that it will be about \$800,000 in cost of the increased state obligation for ADC, the cost of the money that we are not collecting anymore-- so the amount of money that we're going to be giving to these families-- and then we'll be able to also be putting about \$1.7 million of federal funds into the hands of Nebraskans through this. So it has a great benefit for these folks. We are no longer taking money that parents are paying for the support of their children. It's actually going to support the children, and we're getting more money into circulation to help these families be lifted up out of poverty. So, again, I appreciate the conversation from Senator Linehan. I appreciate her work on so many issues over the last couple of years. And I, I always appreciate her as an adversary, but as, as an ally as well. So I encourage your vote on AM3429 and LB20-- LB233. Thank you, Mr. President-- Madam President.

DeBOER: Thank you, Senator Cavanaugh. Seeing no one else in the queue. Senator Cavanaugh, you are recognized to close on your motion. He waives closing. The question before the body is the adoption of AM3429. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted.

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB233 be advanced to E&R for engrossing.

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DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB233 to E&R for engrossing say aye. All those opposed say nay. It is advanced.

CLERK: Madam President, Select File, LB233A. Senator John Cavanaugh, M01382, would move to indefinitely postpone the bill.

DeBOER: Senator John Cavanaugh, you're recognized to open on your motion.

J. CAVANAUGH: Thank you, Madam President. Colleagues, this-- since you just adopted that amendment, there's no need for this A bill so I would ask for your green vote on M01382.

DeBOER: Seeing no one else in the queue. Senator Cavanaugh, you're recognized to close. Senator Cavanaugh waives closing. The question before the body is the motion to indefinitely postpone LB-- yeah, LB23-- LB233A. All those in favor of indefinitely postponing LB233A vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on the motion to indefinitely postpone, Madam President.

DeBOER: It is indefinitely postponed.

CLERK: Madam President, LB1195, Select File. First of all, Senator, there are E&R amendments.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the amendments to LB1195 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor of adopting the E&R amendments to LB1195 say aye. All those opposed say nay. They are adopted.

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

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move that LB1195 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor of advancing LB1195 to E&R for engrossing say aye. All those opposed say nay. It is advanced.

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CLERK: Madam President, some items. Amendments to be printed: Senator Linehan to LB126 and Senator Lippincott to LB600A. Madam President, Madam President, as it concerns the agenda, General File, LB12-- or, excuse me, LB25, introduced by Senator Wayne. It's a bill for an act relating to courts; states findings; defines terms; and authorizes punitive damages as prescribed. The bill was read for the first time on January 5 of last year, referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. When the Legislature left the bill, Madam President, pending was the bill itself, the committee amendment, as well as a motion from Senator Bosn to recommit the bill to the Judiciary Committee.

DeBOER: Senator Bosn, you are-- Senator Wayne first for a 1-minute refresh on the bill.

WAYNE: Thank you, Madam President. Colleagues, we got rid of punitive damages. I have an amendment I would like to get to, take a vote. When we get to a vote, we can move directly to the next bill. The vote is pretty simple. It puts child sexual assault underneath the Political Subdivisions Act. That means it's capped at \$1 million, and it's really, really that simple. We are moving child sexual assault underneath the Political Subdivisions Act, which means all the safeguards of the Political Subdivisions Act, as far as notice, 2-year statute of limitation, all those things are-- apply. And it's a-- it's a \$1 million cap. It's really that simple. And I would ask for a no vote on the recommit and move immediately to my amendment so we can move onto the next thing. Thank you.

DeBOER: Thank you, Senator Wayne. Senator Bosn, you are welcome to refresh your recommit to committee motion.

BOSN: Thank you, Madam President. I renew my objection to LB25. As the process has gone through, I've articulated that multiple times and I'm still in opposition to that. With that, I will submit it.

DeBOER: Thank you, Senator Bosn. Turning now to the queue, Senator Wayne, you're recognized.

WAYNE: Thank you. I'm going to explain what my amendment does. So to remind everybody, I got rid of punitive damages. I am getting rid of everything. I'm making this very simple. What this says is, under the Political Subdivision Tort Claims Act-- that means all the provisions and safeguard that apply to a Political Subdivision Tort Claims Act-- the only thing that can happen is that it would be sexual assault or child abuse would be placed underneath that Political Subdivision

Act. And it's really, really that simple. So here's what I want to explain to people about what right now a political subdivision could be sued for. So imagine somebody driving a city-owned bus. That bus driver swerves and hits somebody. The city can be sued-- the city can be sued or a political subdivision can be sued. A school district can be sued. However-- and this is really important-- however, if that same bus driver who may have been a little tipsy and swerved, they can be sued underneath that and hit a car or hit a pedestrian. If that same bus driver was grooming a child every day on that bus and their manager or principal knew about it and did nothing-- so let, let me qualify. It isn't just that you had-- the bus driver has to work there, it's that somebody of authority knew or should have known or what a reasonable exercise duty of care failed to do anything. So that same bus driver is grooming a child, principal knows about it, principal does nothing, cannot sue the school district. If that bus driver is drinking or just happens to swerve and hit somebody can sue-- that individual who's hurt can sue the school district or the city and recover up to a cap of \$1 million. However, if that same bus driver is grooming and sexually assaults a child and the principal or some administrator knows and doesn't use reasonable care, which means investigates, figures out some basic things about this situation, can't sue. Somebody get on the mic and tell me how that makes sense. So what my amendment will do is caps it at \$1 million. What the second part of this amendment does is puts it underneath the Political Tort Claims Act. That means you have to give written notice. You can't sue until after 6 months of the political subdivision being notified of such act. Then you only have 2 years to sue or it's forever barred. However, because it involves a minor, the minor may tell when they get of age 19, then your 2 years starts there. The minor gets to sue, not the parents anymore. The minor gets to sue because they're of age. That is our current law and we're putting underneath that. So the concerns about runaway train on sexual assaults and, and breaking school districts and breaking towns and breaking villages and making them go bankrupt, it all fits underneath the exact same cap that we're already operating on. To me, this is a no-brainer. If the school or the city is put on notice of a problem around sexual assault of a minor, all they have to do is act reasonably, investigate that individual, that employee, find out what's going on, and make a determination. If they don't, they act negligently. So I'd ask you, if you told the school district or kids told the principal, we think this bus driver or this janitor--

FREDRICKSON: One minute.

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WAYNE: --or this individual who works for the city or county is grooming a child, and they do nothing and that was your child, you would want them to be held accountable. Now, the other argument you'll hear is, let's go after the person who did it. Well, if they sexually assault a child, they're probably going to go to jail. If they're in jail, that means they're not going to have a job. Now, what some may say, well, they might have assets. Highly doubt that. One, you hope they have the assets. But if they don't, there's no recovery. Now it is true, we talked and negotiated. And I'll tell you the issue that I have with the proposal that was off by the Governor is that it is a different level of scrutiny than just mere negligence. The problem with that is you're going to double the work for everybody. It's actually going to be more expensive for everybody because you're going to have to bifurcate the trial. What that means is we're going to separate the trial because they have two different standards.

FREDRICKSON: That's your time.

WAYNE: Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Wayne. Senator Halloran, you're recognized to speak.

HALLORAN: You want time?

WAYNE: Yeah.

HALLORAN: Yield time to Senator Justin Wayne.

FREDRICKSON: Senator Wayne, that's 4 minutes and 52 seconds.

WAYNE: I will be brief just so people understand the problem with the bifurcation. So think of a murder trial-- or a, a, a criminal trial and a civil trial. Those are two different standards. You have beyond a reasonable doubt and you have clear and convincing evidence. And if you're-- match those in the same trial, juries are going to be saying, well, is it beyond a reasonable doubt or is it 52% plus 1, is a 51% plus 1, is it 50% plus 1, or is it 99%? And that's why you file for a bifurcation of a trial because, oftentimes, there is different standards, but not in these cases where it's all coming from the same event. Usually, they bifurcate trials as it relates to damages and things like that, which is what is going to happen here. So rather than double the work for everybody, let's just make it simple and get to the amendment and we can move forward. Thank you, Mr. President.

FREDRICKSON: Thank you, Senators Halloran and Senator Wayne. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Well, Senator Wayne indicated, I think, here last Thursday when this bill was first brought up-- I spent time with Senator Hansen and I, and we also worked with Senator Bosn to work with Senator Wayne to try to come up with something that seemed to be a little less broad, a little less extensive. We talked about maybe limiting this to K-12 public education, where it's-- where the kids are at and not bringing in all of the other political subdivisions or the state of Nebraska because now we're also talking about prison system and everything else. We looked at how can we get something in place that would allow for some redress beyond suing the offender themselves. Although, I would argue that we ought to start there. But one thing that we always need to keep in mind is whenever an attorney who's representing a client who's suing on their behalf, they're looking for the deep pockets. And once they find the deep pockets, they're going to sue. In fact, they're going to sue whether they have a case or not. And then they're going to have you hire your attorneys and engage, and then they're going to go back and forth, and then you're going to settle. So it doesn't matter what standard you set that they have to meet. They note if there's an insurance company back there or someone with deep pockets, I can bring all kinds of suits. I can bring suits that have no merit or very little merit, and I'm probably going to get a settlement. And then the insurance companies are going to have to rate that when they start looking at how they're going to cover it. There's a reason that there's been this, this sovereign immunity for the-- for the-- for the state of Nebraska or for the state and also for the political subdivisions. So what we were trying to do is come up with a compromise, which we thought we had last night, to cap this at \$500,000, which, frankly, if you're looking at assault, what we're really looking for is we're looking for them to be able to have the counseling that they need. We want to be able to do something that's reasonable, that, that would still focus in on where we see the problem could be, and be able to still keep this thing somewhat under control. I'm just saying you're opening up Pandora's box when you go this route. And this body-- we're not going to filibuster this bill. We're going to allow the body to go ahead and make their decision. But I'm just telling you, there's a reason we are where we are. We worked awfully hard on a compromise. But at the end of the day, Senator Wayne wants this in front of the floor, wants us to vote up or down, and make a case that we either care about kids or we don't. OK? That's what this is about. So let's keep that in mind. But there

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was an honest effort to try to get something done here. We weren't able to get that done. So I would encourage you to go ahead and move through the process, vote everything down, vote red straight through, and we'll move onto other business that needs to be handled. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Jacobson. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Mr. President. Well, I got a text from my sheriff and he says LB25 is a bad bill. I think I believe my sheriff. He's an honest man. He believes in children. He believes in doing the right thing. And that's, that's about how simple that is. I've got an amendment on this bill somewhere way down the list, and I guess we'll take it the 3.5 hours, whatever we need to do today, to, to take it that long, which I'm sad because I'd like to get to the LB1204 [SIC] and get done out of here early today. But this bill came up and-- so our, our sheriff has some major concerns, other people back home have major concerns about LB25. And so I am standing opposed to it, and I'm, I'm for the recommit to committee, LB1283 [SIC]. So, Senator Wayne, I'm sorry, but I think I voted for you twice today so far. It's a-- it's a good year. But I may not be able to vote for LB25 today. Matter of fact, I won't be able to vote for LB25. So with that, I yield my time back to the Chair.

FREDRICKSON: Thank you, Senator Lowe. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. And good afternoon, colleagues. I do rise today in support of Senator Wayne's potential amendment, if we're allowed to get to that, and also in support of LB25 as it's going to be amended. I think, generally speaking, Senator Wayne is getting to the heart of a very important issue here, which is accountability. And we had a very long conversation about this the other day where I know it was going late into the night and we were all feeling very passionate about it. And so I don't want to go too far down that path again right now, except to say that I do think the amendments that have been worked out are in good faith. They're a compromise. And I think they certainly try to address a number of the concerns. Part of the reason I punched in, though-- I wasn't planning on talking-- was just to, I think, very respectfully push back on what Senator Jacobson was saying. There is this idea that attorneys go after people with the deep pockets or these ambulance chasers. And to be sure, in all groups of any profession, there's obviously going to be bad apples. But I want to very respectfully push back on this

sort of ongoing myth of the overly litigious attorney that we have, that the ambulance chasers or whomever else are going to go after schools just to get the money, just to get the settlement. And we hear this kind of thing over and over again about the idea that anybody who represents a plaintiff, who is usually a survivor or a victim, is doing it just to make money. The reality of the situation is the individuals who are doing this kind of work, the vast majority of the time, are doing so to protect and to help individuals who have been wronged and to try to prevent that behavior in the future by virtue of holding the perpetrator accountable monetarily, because that's what we have the civil system for. It's to make victims whole. One of the examples that gets thrown around a lot when we talk about overly litigious society is the hot coffee that we always hear about. There's the example back in the early '90s of hot coffee from McDonald's being spilled on somebody's lap, and they sued and ultimately got some money out of that case. And you hear people joke about that, right? They say, oh, you know, how could you, you know, not know coffee is hot? How, how dare they sue somebody for something like that? But when you actually dive into the facts of that case, it's really fascinating. There's an entire documentary about it that I'd recommend you watching called "Hot Coffee." Please go look at that. But I think it highlights the example of the reality of a lot of the situations we're talking about. In that circumstance, a 79-year-old woman got a \$0.49 cup of coffee and she stopped, put it between her legs to try to put cream and sugar in it, and it spilled over the sides and it soaked into her sweatpants, which held the coffee against her skin. It was 180 to 190 degrees, and it sat on her skin for minutes. And she was taken to the hospital, where she was diagnosed with third degree burns on 6% of her skin. Third degree burns. She spent 8 days in the hospital getting skin grafts after that and lost, I believe, 20-some pounds. She weighed 83 pounds when she got out of the hospital. She then had years of medical services that she needed after that to, to return to normal. So when people talk about the facts surrounding these cases-- and I'm not even going to start to dive into the facts around a sexual assault of a child case-- I think we have to be very, very careful when we accuse anybody of being overly litigious and just seeking money. The people who are bringing these suits are doing so because a wrong has happened. They're doing so to hold the perpetrators accountable. And they're doing so to make sure that the survivor is made whole at the end of the day. And I understand the concern we have about money. I understand the concern that we may have about the taxpayer ultimately being the one who pays this, but (a) a judge can dismiss these frivolous lawsuits, a summary judgment, they can kick these out; (b)

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as Senator Wayne pointed out, attorneys are beholden by their ethical standard to not bring frivolous lawsuits; and (c) the system is properly set up to push back on those who bring these for no reason. If somebody has this happen to their child or if somebody is sexually assaulted, we should hold them accountable. So I just want to be very careful--

FREDRICKSON: One minute.

DUNGAN: --thank you, Mr. President-- I want to be very careful when we have conversations about whether or not these are frivolous lawsuits. And I want to make sure we're always talking about the facts and not just glossing over the reality of these situations. So, again, colleagues, I hope we can get to this amendment. I hope we can get to a vote on LB25 as amended. And I would encourage you to vote green on that. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Dungan. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I rise to speak on LB25 in my nice low voice now. Schools-- I'm talking again from schools' perspective. I was on the school board at Seward Public Schools for years before I came here. Schools already take their responsibility very seriously to educate and keep kids safe. Schools host and provide staff trainings annually that the training list includes sexual abuse and grooming and sexual harassment. Passing a bill like LB25 will not keep kids safer. This bill will not prevent this type of incident from happening in the future. This will not increase the trainings or awareness around the subject. And something that I want to kind of mention here, I was actually having this conversation just a couple days ago, and I think it was just worth mentioning. I was talking to a friend of mine that I get really tired of people talking about our school teachers and staff, that they're predators, that they're grooming, and things like that. And she said, you know, what I look at it as is our schools, our teachers are first responders. If you-- they're the first-- they're the first person on the scene. If you've got a kid that's normally very, you know, talkative and social and, and, you know, has a lot of friends and all of a sudden he shows up or she shows up and is more reserved or-- I mean, they're, they're that first responder. They're the one that says something's wrong and, and try to get into figuring out what that is. And, and this just, I think, it just doesn't help any of that. I think it's worthy to point out that all school staff has to be mandatory reporters of sexual abuse or any kind of child abuse. This bill does not increase

that duty or magically prevent these things from happening. Rather, last year, the Legislature's support in passing the financing of the statewide Safe2Help app is a great example of helping keep our kids safer. Other efforts like this, Safe2Help app, which is being made available to all Nebraska students, is a place for students to report safety concerns and issues 24/7. And it's serviced by the experts that we have at Boys Town. And this is an instant-- instance that we can increase the safety of our kids. I'd like the body to encourage focusing on supporting safety and security and prevention of these incidents, not the increase of litigation, where ultimately the taxpayer will be held accountable for the bad actors' actions. And if I may ask Senator Wayne a question, if he's open to it. And I did not prep, I'm sorry.

FREDRICKSON: Senator Wayne, will you yield for a question?

WAYNE: Yes.

HUGHES: Thank you, Senator Wayne. If I'm correct in looking at this new amendment, the state is left off of this. Is that correct?

WAYNE: Yes, because the state is not capped. So right now underneath the State Tort Claims Act, there's no cap on the state.

HUGHES: So you just did everything else because it will be capped at the million, but the state is open to it?

WAYNE: Correct, because political subdivisions are already capped. So I'm trying to make it simple.

HUGHES: OK. Thank you. I appreciate that. And I, I'm done. I yield my time. Thank you.

FREDRICKSON: Thank you, Senator Hughes and Senator Wayne. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. And good afternoon. You know, as I listen to the comments, that this is not about protecting children, that's exactly what this is. And so we have to have a higher burden of proof for negligence for schools, public schools, than we do for private schools. And I believe that Senator Wayne was trying to negotiate in good faith. And Senator Jacobson said they offered \$500,000 as the limit. And as you've heard discussed, there is no limit for private schools, no limit for the state. Senator Wayne, I believe, offered to do a \$1 million cap, and that was unacceptable. So we're talking about protecting children. And Senator Hughes made a

comment about our schools are doing things right. And why are we talking about this if our schools are doing things right? It's for those schools who may not be doing things right. And if, in fact, they're doing it right, they have nothing to fear. But this is trying to protect those children who are in a situation that is unacceptable. And for the life of me, I can't figure out why this is such a controversial issue when the goal is to protect children. But we're more worried that the school might have to have a higher insurance premium if they do something wrong or if they molest a child. But we've totally missed who we're speaking about, and it's about the children. But we've brought it in to the fact that the state may have to do this or that or pay more money, or whatever the issues are, or lawyers are going to make more money. And I think Senator Wayne has capped the lawyer fees. He's done everything that he knows how to negotiate fairly to try to get this to the finish line. And we are standing in the way. We're standing in the way because we're worried about the schools having to pay more money or have more oversight or whatever, whatever your reason is. I don't know what your reasons could be that would be detrimental to passing this bill to protect children. But you have to vote as you have to vote. But I will tell you this, that when this session is over and I go home and people ask me, did you vote to protect children? And I'm going to say, yes, I did. I did everything I could to protect those who are vulnerable. But others in the body thought that protecting the state was far more important than protecting children. So when you vote, you will clarify to the voters, to the public, where you really stand on protecting children. And I appreciate Senator Halloran bringing this and Senator Wayne working to make this bill a better bill that will work for all concerned. So I'm voting for AM444 [SIC-- AM440] and LB25, and I'm voting against the recommit. Thank you.

FREDRICKSON: Thank you, Senator Erdman. Senator Armendariz, you're recognized to speak.

ARMENDARIZ: Thank you, Mr. President. I, I do support suing any entity, private or public, financially, for committing crimes against children. So if it-- if this were a nonprofit or a private company, that nonprofit, that private company would be directly and financially impacted by a suit like this. Their, their employees would be directly impacted, their bottom line and their finances would be. I would appreciate this bill, LB25, being more refined on who pays. So if I am a school district that gets sued and found liable, I really wouldn't be too worried about it if there was a \$1 million claim against my district, because that public school is just

going to say their needs just increased and they come back to us and ask them to fill that need as, as the taxpayer. I believe the financial penalty needs to be a lot closer to the crime. So if there are teachers committing these crimes, the financial penalty needs to be as close to those teachers committing the crimes as possible. If we want to impose change, cultural change that may need to be going on within the ranks or within that district. The financial penalties need to come directly out of that. I've given some creative ideas of how that would hit, maybe, teachers' groups in particular if they're found guilty. And I am not saying any teachers' groups or public entities are guilty of these crimes, but if they were, the only effective change would be to hit those groups directly, not go so far outside of the crime as, as the taxpayer. We, we have very little, if any, control over policies, hiring, employee practices within a school building. To reach out to the taxpayer to pay the financial penalty would be extremely ineffective at changing the culture that we're trying to change. So unless we can directly impact the finances of the culture we're trying to change, I won't be able to support the bill. But I do support any kind of financial penalty against institutions that commit crimes against children. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Armendariz. Senator Dover, you're recognized to speak.

DOVER: Yes. I sta-- I stand up in support of the idea behind the bill. I don't think that-- not in favor of, in a way, suing ourselves for an unlimited amount of money. But I do understand, I think the good argument is, is who's going to pay for the counseling and those kind of things? And I think that an insurance policy, whether it's \$500,000 or a \$1 million, I don't think it would be that expensive to-- for a school to, to pay for. It obviously would increase costs a little bit. But I do think the most important thing is there needs to be money available for whatever therapy the child needs to go through as their therapist sees fit. Thank you.

FREDRICKSON: Thank you, Senator Dover. Seeing no one else in the queue. Senator Bosn, you're recognized to close on your motion.

BOSN: Thank you, Mr. President. So I am asking for your votes to-- on green to recommit to committee. If we recommit this, then we can work out some of the kinks and get back to a place where Senator Jacobson proposed an amendment that was a reasonable solution, and put the guardrails on in a place where everyone was comfortable, including, at some points, Senator Wayne. And his concern, as I understand it,

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is the heightened standard of proof issue. So, I think we need to go back to the drawing table, and I would ask for your green vote on the recommit to committee. Thank you.

FREDRICKSON: Thank you, Senator Bodn-- Bosn. The question before the body is the recommit to committee. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 26 ayes, 5 nays to place the house under call.

FREDRICKSON: The House is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Walz, Dover, Bostar, McDonnell, Moser, please return to the Chamber. The house is under call. All unexcused members are now present. The question-- there was a vote open. Senator Bosn, will you accept call-in votes? There's been a request for the roll call vote. Clerk, please call the roll.

CLERK: Senator Aguilar voting no. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements not voting. Senator Conrad voting no. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen not voting. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting no. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting no. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting no. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne voting no. Senator Wishart voting no. Vote is 19 ayes, 23 nays, Mr. President, on the motion to recommit.

FREDRICKSON: The motion fails. I raise the call.

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CLERK: Mr. President, Senator Wayne, I have AM3327 with a note you would withdraw and substitute AM3435.

FREDRICKSON: Without objection. So ordered. Senator Wayne, you're recognized to open.

WAYNE: All right, so here's the vote that we'll take. And I appreciate those who are staying with us. I want to clear up some facts in this opening. If a school-- if somebody-- OK. It's, it's-- I can't believe I'm having these arguments right now, so I'm kind of flustered because I would think this would be a noncontroversial issue. So right now, if somebody slips, trips, and falls at a school district, a city-owned building, or a county-owned building, they can sue underneath negligence. Think about that. If a kid slips, trips, and falls, they can sue under negligence. If that same county, school district, or city is negligent in, in really preventing child sexual assault, they cannot be sued. What we're focusing in on is the act of the actor. That's not what this bill is about. It is the political subdivision being negligent in stopping the actor. That means they had to have some kind of notice. They had to have some kind of reason to investigate. And if you look on page 2, for those who think this is just a, a floodgate of, of litigation, page 2, when you get down to line 23, political subdivision to exercise reasonable care. So let's go back to the slip, trip, and fall. It has to be reasonable that after a foot of snow, you shovel. And guess what the reasonable standard is that? It's kind of been outlined by city ordinance, at least in Omaha, is 24 hours. You have to at least try. If you know it's slippery, if you have the ability, if it's reasonable for you to be able to afford some deicer, then you've acted reasonably. In the case of a political subdivision, when it comes to sexual assault of a minor child, it simply means you do some background checks. If kids are complaining about how a teacher is interacting or other coworkers or complaining about how a teacher or a bus driver or a janitor or a police officer or whoever is interacting with these individuals, that's when they're put on notice. And guess what? They're not put on notice if they tell another teacher or the bus driver tells another coworker. They're put on notice when there is a supervisor or a manager involved who has the duty, the duty to investigate. Then the question before a jury-- or a judge, sorry, a judge, because you can't have a jury trial on this-- is did the school district, did the county, did the city act reasonable? What is reasonable? Reasonable is a-- what would a reasonable person do in that position? If they got this information, would they say we should investigate this matter? We've heard from two or three kids, we heard from one kid, there were some details, we should investigate. We should talk to

other coworkers. We should talk to this. We should do that. We should do-- that's what they should do. That's reasonable. And then and only then are they found liable. After liability is determined, guess what else the plaintiff has to prove-- in this case, the child? What are their damages? Damages are laid out with medical bills, both mental and physical medical bills. Then they have to hire an expert, which is typically the treating physician. And probably they have to pay \$5,000 or \$10,000 to get somebody to come in and say, here's the future medical damages. Then it goes to the judge, and the judge says, OK, I understand the hard number, reasonable, medically necessary number of x. And then based off of the testimony, I can see the pain and suffering of x. That's how it works. So I understand Senator Armendariz's concern. I understand Senator Dover's concern. But the question you're going to be asked after this vote: why is it OK for that kid to sue if they fail to put deicer down? But if you know a teacher or a school official or some county or state emp-- a city employee is grooming a kid and you do nothing, I can't sue if they're sexually assaulted? I can't think in the-- in my mind why that's OK. So this amendment replaces the entire bill. It's the basis out of Halloran's bill, which is child sexual assault. And it says you have to act in reasonable care in two conditions. Either you control the person. So that's about special needs students or those who are actually in the control of the political subdivision, where it's a 1 to 1 or they have to monitor, they have a para with them, that student can't move around without that para. So they're within the control of that political subdivision. Or in the care and custody. That means they're not controlling them and they have them on lock down but they're within the confines of the school or within the confines of that political subdivision or underneath the control of that political subdivision, i.e. a field trip, and they don't use reasonable care. And what bothers me about this is every parent is sending their kid to school with the assumption they are going to be OK. Every parent says, when I send my kid to school, when my kid goes down to a county fair and it's-- and they're in with the staff and they're petting the horses, they're, they're being reasonably cared for. But somehow this reasonable care, when it comes to sexual assault, we feel schools can't meet that standard. Well, Senator Hughes, if they're doing everything you said, no judge is going to find them liable. Because they're going to come into court and say, here's, here's x janitor, and we did all of these things. All of these safety programs, all of this checks, and every time we got a complaint, we investigated. We sat down with the kids, we sat down with coworkers, we looked through everything, we searched this individual's internet search history. We have no concerns. There was

no way for us to have known. And you know what happens when there's a motion for summary judgment? Case dismissed. That's reasonable care. Slip, trip, and fall, bus driver gets in an accident, we're OK. Sexual assault of a minor child, minor individual, put the brakes on, that's not OK. Is that the vote we really want to take? Are we really voting no on that? You want to argue about caps? That's the current cap. So I try to not get into a cap debate by saying we are going to put this completely against Senator Halloran's wishes underneath the Political Subdivision Tort Claims Act. That means they got to have a notice. You have to file a notice within one year of the incident or within one year of their 21st birthday. They have six months, political subdivision, to respond. If they don't respond, you can then file suit. But you have to file suit within two years. Now, how does that translate into the real world? If it's a nonpolitical subdivision or a state, if it's just a regular person, you have four years. So if you're out on a date and things happen that aren't supposed to happen, you have four years. We're saying for this minor child, you only have two. That's one of the safeguards underneath the Political Tort Claims Act. Political--

FREDRICKSON: One minute.

WAYNE: --Subdivision Tort Claims Act. We can't justify this today. And the last thing I'll just say is, if we can't take care of the kid, who will? Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Wayne. Turning to the queue. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President. Would Senator Wayne be available for a question?

FREDRICKSON: Senator Wayne, will you yield?

WAYNE: Yes.

BRANDT: Thank you, Senator Wayne. So at the bottom of page 2, after the clause about the assault of a child, it says, control a person over whom it had taken charge; or protect a person who is in the political subdivision's care, custody, or control from harm caused by a nonemployee actor. The way this is written then, it just pertains to the above statement, B, on a child. It would not pertain to a county jail or a city jail, would it?

WAYNE: No, they would-- and it could only involve sexual assault of a minor child.

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BRANDT: OK. So that, that whole statement in, you know-- I'm a little ignorant about how this, this wording all works, but that statement is all tied together, correct?

WAYNE: Yes. So, so, so sexual assault of a child or child abuse. And it has to be reasonable-- failure of reasonable care. And it has to be either a control of that person or protected in the subdivision's care, custody or control.

BRANDT: So there, there would be no chance of any of this applying to a county or a city?

WAYNE: No, it could apply to a county or a city if, Lord forbid, a county sheriff were to rape a minor, minor child.

BRANDT: Right.

WAYNE: That would be in the care or custody. But when you say a child in jail, typically children aren't in jail. And if they are, they're underneath DHHS custody and they're underneath the state, so it wouldn't apply to the state. So, like, YRTCs and things like that wouldn't apply.

BRANDT: So in the case of two inmates and, and they get to beating on each other, this would not, not have any application to that?

WAYNE: It does not have any applications to two adults beating on each other. If a minor child is sexually assaulted, it could, only if-- I'm trying to think of-- because I'm only thinking of a city jail. I'm assuming they're under the care and custody of the state. Otherwise, they couldn't be removed because counties and-- so, so I don't think it would. I'm comfortable saying that because it isn't, it isn't the Moser case where there's two adults, no. And it isn't even the Moser case if, if an adult raped another adult. It is only sexual assault of a child.

BRANDT: And in Nebraska, minor is under the age of 19, correct?

WAYNE: Correct.

BRANDT: All right. Thank you, Senator. I yield my time back to the Chair.

FREDRICKSON: Thank you, Senators Brandt and Wayne. Senator Armendariz, you're recognized to speak.

ARMENDARIZ: Thank you, Mr. President. I just want to bring up the comparison that Senator Wayne is using. Somebody falling on ice, somebody didn't put down salt to prevent that, and then the city is responsible to bay-- pay civil penalties is, is quite different than a child being sexually assaulted in school. One is an accident or, or laziness, and one is malicious intent to do harm to a child, which is extremely high on the offenses. Arguably one of the worst you could possibly do. So it is so much more important that we, we wield a big stick of civil penalties against the person and the perpetrator, and we must be very surgical about the effect of that big stick. This bill is a spattering of gathering money. It is, it is ineffective. There are ways that can be-- if it's a teacher, we need to go after a fund the teacher funds. If it's a culture of teachers, then we need to go after a fund the teachers fund. That directly impacts the culture, and it gives a big, loud message that this is not a tolerated behavior. Nobody can keep a secret for another, and people will root it out from within. That's the way this needs to be addressed and fined. And I welcome every single dollar thrown at the person that is impacted from it, but from the right source so that it is effective and a strong message is sent that it is not a tolerated behavior. These are our kids. We need to be smart about how we effectively get people to stop doing this to our kids. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Armendariz. Senator Bosn, you're recognized.

BOSN: Thank you, Mr. President. I want to just provide some clarity here and we can take our vote. But for starters, I disagree strongly with any assertion that those who oppose this bill are voting to protect sild-- child sexual assault offenders. There's just not a link there. This bill punishes those who are employing the individuals who do this. That's the schools. Holding the offender accountable is certainly a priority for all of us. And I don't think-- I think we'd have 49 out of 49 individuals in here who would agree that anyone who commits acts like that should and must be held accountable for them. If there's things that we can be doing on the front end to prevent this kind of harm, we should focus there. Focusing after the fact is addressing a wrong that's already occurred. I haven't seen anyone propose solutions, the schools should be doing this, and they're not; the school should be doing that, and they're not. They're just being reckless, willy-nilly with their hiring practices. I, I, I don't think anyone is making those arguments because no one believes that to be true. The reality here is these are terrible circumstances, and I definitely do not support

or condone any form of child abuse, much less child sexual assault. And that won't change with or without this bill. I think it's important to note that when Senator Wayne says these schools know and they didn't do anything, I disagree that that isn't covered. Because under a section 1983 claim, if the school knew and turned the other eye-- or, turned the other way and did nothing, they are eligible-- or, they are liable for their actions. If they knew and they didn't do anything, that's what a 1983 claim is directly-- that's what it-- that's exactly what it goes for, is those types of circumstances. So if, if there's an argument that the deliberate indifference, when you know about something and you didn't do anything, you deliberately did not take those proactive steps to stop that perpetrator, that is definitely what's covered under a 1983 claim. So I, I just want to point that clarification out. He may disagree with me, and that's totally fine. He's up right after me. I'm sure he'll point it out. But I don't think you're going to hear him explain how that isn't true, because that is the language from 1983, is a deliberate indifference, recklessly, intentionally, or with gross negligence, callously indifferent. Those are the descriptions of the standard required under 1983. And I will straight face tell you that if you go into court and you argue that the school knew about these things and recklessly, intentionally, or with gross negligence looked the other way, they will be liable for that under a section 1983 claim. So I, again, just point that out because I think it's worth mentioning. Additionally, I would also point out this is the amendment that we had worked out a compromise on. We worked-- Senator Hansen was involved. Senator Jacobson was involved. I was involved. We made efforts to accommodate the demands that those who are passionate about this issue had. We all made those in good faith. And so I stand by those ame-- that amendment as being a reasonable compromise. And apparently reasonable minds can disagree. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Bosn. Senator Wayne, you're recognized to speak.

WAYNE: Will Senator Bosn yield to a question?

FREDRICKSON: Senator Bosn, will you yield?

BOSN: Yes.

WAYNE: Underneath a 1983 claim, isn't it true that you have to prove a pattern or practice?

BOSN: Yes.

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WAYNE: So the first individual who gets convict-- or, who gets sexually assaulted, that doesn't establish a pattern does it, it's just one?

BOSN: Well, I would argue and they should have known, that's the pattern.

WAYNE: No. If, if one person gets sexually assaulted, does that conse-- does that equal a pattern?

BOSN: Well, you're skipping past the, they knew or should have known.

WAYNE: No, one of the requirements-- and you just said you agreed-- in 1983 claims, it has to be a pattern or practice. Is that not correct? Is that the-- is that the definition of a legal standard for a 1983 claim, is that it has to be a pattern or practice?

WAYNE: The pattern or practice-- I, I think we're saying the same thing, because what you said was that they knew about it and they did nothing. That's-- that was what you said. So they knew--

WAYNE: Correct. In that individual case, does that one individual case-- and this is just common sense, people-- does that one individual case create a pattern?

BOSN: Well, if they should have known then, yes, it's a pattern.

WAYNE: Thank you. We'll have to disagree that one individual case creates a pattern. The second question I have for you is, under the current statutes, underneath the political subdivisions, is the standard for a slip, trip, and fall negligence?

BOSN: I, I don't know that with enough authority to say that you're not correct.

WAYNE: Do you think it's reasonable to make a victim-- or, a survivor, I should say. Scratch that. I don't believe in victims-- survivor of child sexual assault to prove a higher standard than what is needed to prove negligence in a car wreck?

BOSN: I guess that depends on what you're referring to. So I would certainly support holding those individuals accountable who perpetrated that violence on them, full stop.

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WAYNE: So underneath the 1983 claim, you said that it, it is a heightened standard because it's more than just mere negligence, correct?

BOSN: It is deliberate indifference.

WAYNE: Is that more than just mere negligence?

BOSN: Say that again.

WAYNE: Is that more than just mere negligence?

BOSN: Mere-- yes.

WAYNE: So you would want the standard of a 1983 claim versus mere negligence, correct? That's what you're advocating for, a 1983 claim.

BOSN: I thought the language that we worked out in the amendment was willful, reckless, but I--

WAYNE: Which is higher than negligence, correct?

BOSN: Yes.

WAYNE: So we want to make it harder for victims to prove that they were raped to get recovery?

BOSN: I think that's not the correct way to point that out, but I can certainly understand why you would make that argument.

WAYNE: Thank you, Senator Bosn. Colleagues, that, that is the problem with a 1983 claim. It has to be a pattern or a practice. So guess what? The first kid doesn't get to recover. But maybe by the 12th kid, we get to recover. Maybe. If that's considered a pattern or practice. That's insane, people. I usually have a lot to say on a lot of bills, but this is trying to provide recovery for those who were sexually assaulted. Now, here's the other thing. I do want to recover what, what, what Armendariz said. Senator Armendariz was talking about the bad actor. That's not-- they are the same when you do fail to put salt down in this regard. It's the negligent act of the state employee-- or, I mean, the political subdivision employee who should have acted. The underlining issue doesn't matter to me. It's the negligent of the supervisor or manager who didn't put the salt down or, in this case, didn't investigate somebody who was--

FREDRICKSON: One minute.

WAYNE: --who ultimately committed sexual assault of a minor child. It is that negligent act that holds the political subdivision accountable. It isn't the underlining person. We're going to hold them accountable too, whether through criminal or civil. But if the st-- if the political subdivision failed to act, we got to hold them accountable. And the only way you do that in a civil system is through a judgment. It's unacceptable not to hold that person accountable. Man. We're defending-- we're afraid of big government having to take care of a child that was sexually assaulted underneath their care and control. Put that in perspective. We hand out billions and millions to contractors at the school level, to county contractors, to city contractors, but we're afraid of a \$1 million cap to make sure this kid and their family's made--

FREDRICKSON: That's your time.

WAYNE: --whole? We can do better, colleagues. Thank you.

FREDRICKSON: Thank you, Senator Wayne. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. Good afternoon, colleagues. So what I'm about to say does not apply to Senator Bosn because she has a genuine issue with the legal standard in this bill that she can communicate and has very capably done so. This message is for everybody else on the floor who's opposing LB341, even the watered down version that Senator Wayne's promoting. So on the floor so far this year, we've had LB441, Senator Albrecht's bill. Y'all might remember it. We talked a bit about it. With that bill, we were protecting kids from books in a library. But in opposing this bill-- so you can support that bill, but somehow oppose this bill because you want to make sure that schools have immunity when they hire a child molester. LB575, we talked about that one too, Senator Kauth's bill, Sports and Spaces. That bill had a private right of action so that if you were a girl who was stuck with a boy on your girls sports team, you could sue the school there. Somehow that was acceptable for people on this floor. LB1402, school choice, coming right up. If your kid gets molested at a private school, you can sue that school. No problem. We just say public K-12 schools are special. And we have people getting up and saying, you know what? We don't want that kid who gets molested to be able to sue because it could increase our property taxes. How many child molesters is your school district employing if it's going to impact your bottom line? If we're going to stand up here and say we need to protect kids from books in a library with LB441 or protect kids from boys on their sports team with LB575

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but you're going to vote against allowing kids to file a civil lawsuit when they get molested because K-12 immunity when it comes to sexual predators is just a special, sacrosanct thing? You got to be kidding me. We are so much better. This is so intellectually lazy. So you say we can sue when a boy's on your girls sports team, we can protect kids from books because that's, that's scary. But when they get molested, if they're molested not in a private school, because that's not an issue, but if they get molested in a K-12 school, they shouldn't be able to sue the school. Oh no. That's different. That's special. Someone explain it to me. Make it makes sense, because it does not make sense to me. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Slama. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I want to pick up where Senator Slama left off. And I don't want to belabor this point. I know there's not really anybody else left in the queue. Oh, there's one more in the queue. But I do think we're going to get to a vote on this soon. But I want to-- I want to again push back on the narrative that I think Senator Bosn put out there with regard to the 1983 claim. The reality of the situation, as I currently understand it, is that it is up for debate as to whether or not the 1983 claim is, in fact, the appropriate avenue that somebody could go in the event that this is not passed. My understanding from talking to people who actually practice in this area of the law specifically is that there are currently cases pending where the schools are arguing that a 1983 claim does not pertain to them in the event of sexual assault of a child. I have in front of me a brief that was actually submitted by a public school where a sexual assault of a child happened and this-- they're seeking relief through a 1983 claim. And in that, they specifically delineate why they think a 1983 claim doesn't cover this kind of behavior. To put it really simply, with a 1983 claim, for a school to be liable, an official policy or custom of the Board of Education must be the, quote unquote, moving force causing the injury. A custom is defined as a continuing-- and this goes to Senator Wayne's point-- a continuing, widespread, persistent pattern of unconstitutional misconduct that is known to the Board of Education and is tacitly approved or deliberately ignored. Even an unconstitutional policy of a single school or principal is not sufficient because the official policymaker is the school board. Colleagues, they argue in their brief that in this incident of sexual assault, there was no constitutional violation. That's the first step in determining whether or not a 1983 claim applies, has there been a deprivation of a constitutional right? And the school argues that

there was no constitutional violation by virtue of the sexual assault being committed at the school by that other party. Now, I'm not commenting on whether or not the 1983 claim is, is appropriate or not in that circumstance, but my point is to argue that this is unnecessary because there is already an avenue available is to, I think, mischaracterize unintentionally-- I'm not trying to say anybody's misleading-- but I think it's to mischaracterize the actual remedies that are available currently. And if we do not act, if we don't pass some watered down version of LB25-- which, Senator Wayne, I think has done a fantastic job of getting together with people who have been trying to work with him on this. And the amendment that he's trying to get up here that we're going to ultimately vote on is representative of a huge compromise. We're not addressing a bunch of issues that we need to address. Colleagues, we as the Legislature are punting on our responsibility. But we're trying to do one little thing here. We're trying to do one little thing. We're trying to say that in the event that a school negligently acts and a child is sexually assaulted, they can be held accountable. So to act as though there is another avenue available and that the 1983 claim is just this end all be all perfect avenue I think is incorrect. The schools themselves are currently saying it does not apply to us. And I would be terrified if that is ultimately agreed to and there is no avenue of recourse to make these victims whole. So I say that because we've got to do something, and I think that what is being asked for with AM3435 is a small step in the right direction. I do not think it's going to bankrupt our schools, and I certainly think that we need to do a better job of holding ourselves accountable. So, colleagues, I would urge you to vote green on AM3435 and ultimately green on LB25. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Dungan. Senator Conrad, you're recognized to speak. And she waives. Seeing no one else in the queue. Senator Wayne, you're recognized to, to close.

WAYNE: Thank you, everyone. And thank you for this conversation. So I will tell you AM3435 replaces the entire bill, and that's what we will vote on, and we'll see where things fall. Again, this is-- this is just about-- I understand government and all that. I just want to make sure kids are being taken care of. This isn't a preventative measure. This is a remedy to try to make sure kids get the services they need to move on with a productive life after some horrific event occurred to them. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Wayne. The question before the body is the adoption of AM3435. All those in favor of vote aye; all those

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opposed vote nay. There's been a request to place the-- 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: 19 ayes, 2 nays to place the house under call, Mr. President.

FREDRICKSON: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Blood, DeKay, Conrad, McKinney, Ibach, Dungan, Bosn, Hansen, please return to the Chamber. The house is under call. All unexcused members are present. There's been a request for a roll call vol-- vote in reverse order. Mr. Clerk, please call the roll.

CLERK: Senator Wishart voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator von Gillern voting yes. Senator Vargas voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting no. Senator Raybould. Senator Murman voting yes. Senator Moser voting yes. Senator Meyer voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting yes. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting yes. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting yes. Senator Halloran voting yes. Senator Fredrickson voting yes. Senator Erdman voting yes. Senator Dungan voting yes. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting no. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Brewer voting yes. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar voting yes. Senator Bosn not voting. Senator Blood voting yes. Senator Ballard voting yes. Senator Armendariz voting no. Senator Arch voting yes. Senator Albrecht voting no. Senator Aguilar voting yes. Vote is 32 ayes, 15 nays, Mr. President, on adoption of the amendment.

FREDRICKSON: The amendment is adopted. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Wayne, I have AM3328. Senator Wayne would withdraw that amendment.

FREDRICKSON: Without objection. So ordered. Mr. Clerk.

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CLERK: Mr. President, Senator Wayne, I have AM3329 with a note to withdraw that. In that case, Mr. President, Senator Lowe would move to amend with FA385.

FREDRICKSON: Senator Lowe, you are recognized to open.

LOWE: Thank you, Mr. President. It's a simple little cleanup amendment. It removes one word "willfully." And it is in-- was in AM440, where AM440 changed after the word "damages" and proves by a clear and convincing evidence that the conduct of the opposing party from which the action arose constituted a willfully reckless disregard for the lives or safety of others. I brought this little amendment just to clean up. I don't believe we need the word "willfully" in there. So it's a funny little word. There are other words that could be used if you want to use another word. "Deliberately." Other words. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Lowe. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I really do respect Senator Lowe's attempt at cleaning up the bill. However, he's deleting words from a section that's no longer in the bill. So please vote no on removing a word from a section that's no longer on the bill. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Slama. Seeing no one in the queue. The question before the body-- oh, Senator Lowe, you're recognized to close on your amendment. He waives. The question before the body is the adoption of FA385. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 5 ayes, 27 nays, Mr. President, on adoption of the amendment.

FREDRICKSON: The amendment is not adopted. Senator Ballard would like to recognize a guest, Teddy Spray from Millard, Nebraska, under the south balcony. Please rise and be recognized by your Nebraska Legislature. Mr. Clerk for items.

CLERK: Mr. President, Senator Holdcroft would move to amend with FA390.

HOLDCROFT: Withdraw.

FREDRICKSON: Without objection. So ordered.

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CLERK: Mr. President, Senator Kauth, I have FA386 with a note that you would withdraw.

FREDRICKSON: So ordered.

CLERK: Senator Wayne, I have AM3380 and AM3381, both with notes that you wish to withdraw.

FREDRICKSON: So ordered.

CLERK: Senator Slama, I have FA26, with a note that Senator Slama would withdraw FA26.

FREDRICKSON: So ordered.

CLERK: In that case, Mr. President, I have nothing further on the bill at this time.

FREDRICKSON: Thank you, Mr. Clerk. Seeing no one in the queue. Senator Wayne, you're recognized to close on AM440.

WAYNE: Thank you, Mr. President. Thank you all for voting green. I would ask you to vote green on this. And like always, I'm still open to suggestions from General to Select. I'm willing to sit down and negotiate if it-- I just-- yeah. I'm actually dumbfounded and just silent. I appreciate everybody today. Thank you.

FREDRICKSON: Thank you, Senator Wayne. The question before the body is the adoption of AM440. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 12 nays on adoption of the committee amendment, Mr. President.

FREDRICKSON: The amendment is adopted. Mr. Clerk, for items.

CLERK: I have nothing further on the bill.

FREDRICKSON: Senator Wayne, you are recognized to close on LB25. He waives. The question before the body is the advancement of LB25 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 26 ayes, 14 nays on the motion to advance the bill, Mr. President.

FREDRICKSON: It advances. Mr. Clerk, for items.

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CLERK: Mr. President, pursuant to the Speaker's agenda, Final Reading motion return to Select File for specific amendment, LB600. Senator Lippincott would move to return the bill for a specific amendment, that being AM3445.

FREDRICKSON: Senator Lippincott to open on your motion.

LIPPINCOTT: Thank you, sir. Just very briefly. LB600, my priority bill, is for infrastructure. That's streets, sewers, electricity for first class, second class, village-sized cities to compete through the Department of Economic Development. Initially, we asked for \$10 million, and we've reduced that to \$5 million. That's the only change made, just the figure amount. Thank you, sir.

FREDRICKSON: Thank you, Senator Lippincott. Seeing no one in the queue. Senator Lippincott, you're recognized to close. And he waives. The question before the body is the return to Select for a specific amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays to return the bill to Select File for a specific amendment.

FREDRICKSON: The bill is returned. Senator Lippincott, to open on your amendment.

LIPPINCOTT: Thank you, sir. Again, the, the only change on this is an initial ask of \$10 million to \$5 million. That's all. Thank you, sir.

FREDRICKSON: Thank you, Senator Lippincott. Seeing no one in the queue. You're recognized to close, which he waives. The question before the body is the adoption of AM3445. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the amendment, Mr. President.

FREDRICKSON: The amendment is adopted.

CLERK: Mr. President, Senator Machaela Cavanaugh, I have FA332 with a note that you would withdraw.

FREDRICKSON: So ordered.

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

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FREDRICKSON: Senator Ballard.

BALLARD: Mr. President, I move that L-- move that LB600 be advanced to E&R for engrossing.

FREDRICKSON: Question before the body is the advancement to E&R. All those in favor vote aye-- or, say aye. All those oppo-- all those opposed say nay. It is advanced.

CLERK: Mr. President, Sen-- Senator Lippincott, LB600A. Senator Lippincott would move to return to Select File for a specific amendment, that being AM3441.

FREDRICKSON: Senator Lippincott, you are recognized to open, which he waives. The question before the body is the return to Select. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 days, 0 nays on the motion to return, Mr. President.

FREDRICKSON: The motion is successful. Senator Lippincott to open on your amendment. He waives. Seeing no one in the queue. You're recognized to close, which he also waives. The question is the adoption of AM3441. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption of the amendment, Mr. President.

FREDRICKSON: It is adopted. Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB600A be advanced to E&R for engrossing.

FREDRICKSON: The question before the body is the advancement to E&R. All those in favor say aye. All those opposed say nay. It advances. Mr. Clerk, for items.

CLERK: Mr. President. Motions to be printed from Senator Machaela Cavanaugh to LB1331. New LR from Senator Slama, LR471. That will be laid over. That's all I have this time, Mr. President. As it concerns the agenda, Mr. President, LB1402, introduced by Senator Linehan. Senator Linehan would move to indefinitely postpone LB1402 pursuant to Rule 6, Section 3(f).

FREDRICKSON: Senator Linehan, you're recognized to open on your motion.

LINEHAN: I would like to withdraw.

DeBOER: Objection.

FREDRICKSON: There's been an objection. Senator Linehan, you're recognized to continue with your opening.

LINEHAN: So we're finally here, and I would hope we don't have to spend four hours, but I'm prepared to spend four hours. So you should have got lots of handouts, so none of you'll get bored. You should have a colored chart like this. This is what is going on from what we passed last year. Opportunity Scholarships, we have had 1,000 students apply. They expect to have 25 applicants by the end of April, 2024. Remember, the students that are eligible to apply are entering kindergarten, entering the ninth grade, or transferring from a public-- any grade, K-12. The student info geographic breakdown is up here in this corner. 51% of the students who have applied are rural, 49% of the students are urban. There's also a chart that tells you what the family income is. So I know we're going to have amendments and motions, and we'll go through all that. Here's what I know. We have great public schools. I supported funding for public schools and the Department of Education this morning. Last year, I supported \$328 million in new funding for public K-12 schools. Last year, we also set aside \$1 billion in the Education Future Fund. And then this summer, people carried around petitions and said money sent to private schools would otherwise be tax dollars to support public schools. That's not true, guys. We spent \$328 million in new funding for public schools last year. And more importantly, probably something that Senator Wishart and I had worked on since she-- we came, is we increased special ed funding for every school to 80%. And, and actually, the most important part about that 80% is not that it helped with property taxes. It's to make sure that every kid in every school could get the services they need because there are some schools that might not quite get all the services if they have to pick up 100% of the cost or 60% of the cost. The other thing-- I've got this top ten reasons to sign the petition. That's what I'm reading from. Oh, and let's go back. We've got another bill coming up tomorrow to front-load \$560 million new funding for public schools. So we're-- have moved from 49th in the nation when I got here, and I heard for five years how horrible that was, to last year, we moved to 28. If we follow through with Governor Pillen's plan, we'll move up to eighth in the nation in state funding. So to say that somehow this bill is going to take money away from public schools is not true. Actually, it's so not true it is a lie. More than half-- again from their sheet of misinformation-- more than half of Nebraska's counties

do not have a private school. Well, that might be true. There-- about 1/3 of the counties in Nebraska, they only have one school. But here is the truth. 89 counties in Nebraska have students who attend a private school. 89. Because Senator Brewer could attest to, when you live in the Sandhills, you drive a long ways to go to school. As a matter of fact, if you're really remote, you probably move into town for the school year because it's too far to bus you. So the idea that we don't have private schools all across the state is not true. This is the one, and why I've changed the bill. LB1402 is different than the scholarship tax credit last year. All summer, and when we were debating it, and emails today, and tomorrow, and whenever, that this tax credit, the people that benefit from it are the rich. Well, guys, here's the list of tax credits we have in Nebraska. I think when I counted, there's 22 tax credits in Nebraska. And I think we have a bill tomorrow with, like, I don't know exactly how many. There's several tax credits in it. Here's the truth. 13 tax credit bills were introduced and brought to the Revenue Committee this year, 13, by 9 different senators. But we're doing away with the tax credit. This is an appropriation. LB1402 is an appropriation. And you can ask me questions about constitutionality, all of that. I have answers for all of it. I have also agreed I will drop the dollar amount from \$25 million to \$10 million for three years and no escalator. Why am I willing to do that? Because I believe if we get these 2,500 students in a school that works for them, you'll be hard pressed next year, whether I'm here or not, to take those kids out of those schools. People wondered why I questioned John-- Senator John Cavanaugh about his bill. Here's why. We care a lot about kids who are in different-- difficult financial situations, and we should. We have a free and reduced lunch program, as we should. As many of you know, I know not everybody agrees with me, I don't have a problem feeding kids. I don't have a problem that OPS decided they're going to feed every child. I don't have a problem with that. We should take care of kids. It's the most precious thing we have. And I don't have a problem with CHIP. Any child that needs health care because their parents are unemployed or if they've got some job that doesn't give them benefits, that doesn't mean they shouldn't get health care. But here's the other deal. We don't tell them what hospital they have to go to. We don't say, oh, you're low income, so you must go to this hospital. They used to do that decades ago. If you're poor, you went to the county or the state. You didn't get to go to the best hospitals. And if you go back far enough, you didn't get into the hospital at all if you couldn't pay. We have SNAP benefits, and we should. And we now have a summer food program that we should have. But we don't tell the parents where to-- where to go buy their

groceries. We don't say you can only go to Walmart. You can never go to Bakers. We don't say that. So why is it the only thing that's not OK for low income kids is their school choice? We love school choice in Nebraska. We have 244 school districts. 244. And yes, people in Douglas County say, oh, those guys out west should merge. Really? We have seven school districts in Douglas County. Seven. And people move all over. You pick up the Sunday paper or read it online, and every lot or house that's for sale in Elkhorn, Nebraska, says Elkhorn Public Schools. Every lot or house that's for sale in Westside, says Westside Public Schools. We've got-- I've got one grandchild at Norris. They moved from Lincoln to go to Norris. They can do that. They moved to Hickman. I have another family-- these are all public schools, by the way-- family that moved from Grand Island to go to Aurora. We believe in choice, if you have the money to do it. But somehow those who are low income, whose families haven't been as fortunate as many of ours, they should be stuck in a school that a child is miserable in. I-- imagine you're a low-income mom who might be getting ADC benefits, who might or might not be getting child support from the father, and you have to drive-- you have to send your child to school by law. That's by law.

FREDRICKSON: One minute.

LINEHAN: You drive that child to school every day. Let's say they're in the third grade, they're struggling to read, they can't spell-- I'm describing myself, actually-- can't spell. And they hate going to school. I used to be sick on every Friday because the spelling test. Those people should have a choice. Any of you with children or grandchildren, you would make damn sure that your kid had a choice. So why is it we in the Legislature don't think kids should have a choice? I don't understand it. And the amount of money we're talking about is, is-- it's a lot of money, \$10 million, compared to what we're going to be public education? It's a rounding error in what we're doing for public education last year and this year. I don't understand it. Maybe I'm missing something. But if you think your grandbabies should have options, why would we not let other parents have options? Thank you, Mr. President.

FREDRICKSON: That's your time, Senator Linehan. And now you are recognized to open on the motion-- or, the bill. Or the motion. Which is it? The motion.

LINEHAN: I think I asked to withdraw this and it was objected to. Is that where we are? OK, so I think what we do is we find out why there's an objection and then we have a vote. Wendy's nodding her

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head no. I think she's the one up to object. So, Wendy-- Senator DeBoer, excuse me, would you answer a question?

FREDRICKSON: Senator DeBoer, would you yield?

DeBOER: Yes.

LINEHAN: So, do you have a game plan here, Senator DeBoer?

DeBOER: My understanding is with the rule change that we made this-- earlier this year, if you want to only have one motion to indefinitely postpone, then it had to be with unanimous consent to withdraw. So if you withdrew it, then basically under the old rules that we had last year, then someone else could put one up. So we changed the rules so it has to be without-- with unanimous consent to ensure that if-- basically, you can't just put up protective motions.

LINEHAN: So you're trying to stall the bill.

DeBOER: We're trying to do the indefinitely postpone because we don't-- well, I personally don't want to pass the bill. I think it should be indefinitely postponed.

LINEHAN: Why don't you want to pass the bill?

DeBOER: Because I think it's unconstitutional, because I think--

LINEHAN: It's not unconstitutional. Senator DeBoer, are you familiar with the NOG program we have in Nebraska, Nebraska Grant Opportunity Scholarships?

DeBOER: Please tell me about it.

LINEHAN: It is a program, it was in the '80s. We decided as a Legislature-- well, I wasn't here. I was-- I was in Omaha, but I wasn't in the Legislature. We decided that low-income students who want to go to college should have an opportunity. So we have a scholarship program for them. And the Legislature decided that if we had a scholarship program and it went to the student, then that student should be able to go to whatever college they wanted to, including private or public. Now, there were some people that disagreed with that, so they took it to the Nebraska Supreme Court. And the Nebraska Supreme Court said the Legislature is to decide what is in the public good's interest and we have no business telling the Legislature it's not in the public interest. So I would think since that has been found to be constitutional, what would be the

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difference between a college student getting a scholarship to go to a private university and a kindergarten to 12th grader getting a scholarship to go to a private elementary or secondary school?

DeBOER: Because the difference would be that the person getting the college scholarship would have the opportunity to choose from amongst both the public and private institutions, therefore it would not be deciding to specifically help a private institution. So in that situation--

LINEHAN: Whoa, whoa, whoa, whoa. Children who get these scholarships can choose--

DeBOER: To use it for public--

LINEHAN: --whether they go to public school or private school and what private school they go to.

DeBOER: They can choose to use the money that's given through this to go to a public school which is already free.

LINEHAN: No, I said, they can, they can choose-- is it true, in Nebraska we have open enroll-- or option enrollment, do we not?

DeBOER: To go to a different school district, yes.

LINEHAN: Right. So do you know how many kids in Nebraska access option enrollment between different school districts?

DeBOER: It's quite a few, but I don't know the number.

LINEHAN: It's 24,000 to 25,000.

DeBOER: OK.

LINEHAN: So do you know who picks up the cost for that?

DeBOER: The state picks up the cost if-- well, what we do is we pay for the average cost of a student.

LINEHAN: So do you know how much was in TEEOSA last year, just fun-- option funding?

DeBOER: I bet you know that number.

LINEHAN: I bet I do. Do you want to take a guess?

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DeBOER: I don't.

LINEHAN: You think it's more than \$10 million?

DeBOER: I bet it is.

LINEHAN: More than \$50 million?

DeBOER: 15 or 50?

LINEHAN: 50.

DeBOER: I'm trying to do the math real quick. Just tell me.

LINEHAN: It's over \$100 million.

DeBOER: OK.

LINEHAN: Like I said at the beginning, we like school choice in Nebraska. You wouldn't be for taking that choice away from students, would you?

DeBOER: I'm very interested in the discussion that Senator Wayne often has about that.

LINEHAN: Well, I don't think he's for taking option funding away. I think he's-- I think-- well, I'll let Senator Wayne speak to it. Hopefully he's in the queue. So it is law now that if I live in a school district, I can-- I-- they have to take me because that's the federal law, right? Federal law is if I'm in a school district, doesn't matter if I'm disabled, doesn't matter if I can't-- they've got to give me an appropriate education. That's federal law, right?

DeBOER: Sure.

LINEHAN: OK. But if I decide I'm in Elkhorn and I want to go to, I don't know, pick a school.

DeBOER: Millard.

LINEHAN: Which many kids do opt out of Elkhorn and go to Millard. If I have an IEP-- would you know what the first question on the option form is for a student?

DeBOER: Do you have an IEP?

LINEHAN: Why do you think they ask that question?

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DeBOER: Because it's more expensive to educate a child with an IEP than one without one.

LINEHAN: And how many children get turned down with IEPs?

DeBOER: I don't have that exact number.

LINEHAN: Well, I don't either because-- but we passed a law, I think this year, next year it goes into effect where we will know how many get turned down. We had several parents in front of the Education Committee. It seemed to be a kind of a regular thing. Hopefully now that we're picking up 80% of the cost, that will be a less regular thing. So for most children, they have options to go to their home public school or another public school. But you're saying they shouldn't have an option to go to a private school.

DeBOER: I'm saying that the government should not pay the money for them to go to a private school and that's-- yeah. That's the point.

LINEHAN: So do you want to do away with the NOG scholarship program?

DeBOER: That's different because then they have an option of amongst public and private universities and colleges.

LINEHAN: OK. I live in Omaha. I decide I want to go to a private school. Do you know how many choices I have?

DeBOER: In Omaha?

LINEHAN: Yes.

DeBOER: I do not.

LINEHAN: Do you know how many choices I have for public schools if I live in Douglas County?

DeBOER: Several. I mean--

LINEHAN: Seven. But even-- I could maybe go to Bellevue. I think there are children that opt into Belle-- so I have a lot of public choices. And I have-- you live in Omaha, right?

DeBOER: I do.

LINEHAN: And we have lots of private school choices in Omaha--

DeBOER: We do.

LINEHAN: --if you can afford it.

DeBOER: Yeah. My brother teaches at one.

LINEHAN: OK. So I'm still confused. So it's OK to have choices between public schools and it's OK in college to have choices between public and private schools-- the Supreme Court has said so-- but it's not OK to have choices when you're in kindergarten to 12th grade.

DeBOER: What I'm saying is that the NOG scholarship, the way you described-- and, admittedly, I was not familiar with it. So the way you described it is that the, the scholarship is given to a student, and then the student chooses which of their various educational options from amongst the public and private entities that they would like to go to, which is a different thing than saying--

LINEHAN: They don't need a scholarship to go to public because--

DeBOER: Right.

LINEHAN: --it's free.

DeBOER: That's-- but that's sort of the point.

LINEHAN: There's no difference, Senator DeBoer. The money-- maybe that's the confusion. Maybe we can solve this right now. The money doesn't go to the private schools. It goes to students. And the students then decide where they want to go.

DeBOER: But, but it goes exclusively for the use of private schools for the K-12 students, right? Because the public school is already free.

LINEHAN: Yes. So if-- I should only be able to go to a private school if I'm wealthy enough and I can afford it?

DeBOER: I didn't say that. Actually, I give to some of the private scholarships that are, you know, financed through private money.

DeBOER: Oh, so you do give to school-- scholarships for private schools?

DeBOER: I think from my own private funds, it's a good thing to give to those private scholarships.

LINEHAN: So you're not on Appropriations, so I probably should ask somebody on Appropriations. I'll try to think-- somebody with that.

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Have we-- what are their other things, if I can find my sheet here, that Stand For Schools said all summer, is this was more generous than anything we do for anybody else. So one thing they say we don't-- we're never generous on cancer research. You were here when Senator Kolterman asked for money for UNMC for cancer research, were you're not?

DeBOER: The pancreatic cancer? I think so.

LINEHAN: And did we give \$5 million to UNMC for cancer research?

DeBOER: You've said so, so I will believe you.

LINEHAN: OK. All right. I think another thing they said is we don't do any special tax credits for food banks. Well, I think we'll have an opportunity to fix that tomorrow because I think Senator Fredrickson has one of his bills in the tax credit package from the Revenue Committee is for food banks. I think that's right. And a couple of others are for nonprofits or actually for-profits. Thank you, Senator DeBoer. So--

FREDRICKSON: One minute.

LINEHAN: I'll come back to this, but. Again, \$10 million, dropped it to \$10 million. No escalator. Compare that to \$1 billion future education fund, \$328 million to public schools last year. Tomorrow, we discuss front-loading \$570 million, or maybe it's \$560 million. Anyhow, it's a lot to public schools. And it's OK if you're in college, if you graduated from high school, you managed to get through school and you're going to college and you're low income, and you can get a Nebraska opportunity scholarship and you can go to Creighton or the University of Nebraska or Wesleyan or Hastings or UNO. But, boy, if you're in K-12, that's just-- somehow that's wrong. I don't get it. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Linehan. Turning to the queue. Senator Dungan, you're recognized to speak

DUNGAN: Thank you, Mr. President. And good evening, colleagues. I do rise opposed to LB1402. Before I get started, though, I wanted to say what I said last year when we had this conversation with regard to LB753, which is I legitimately want to say that Senator Linehan's put a lot of work into this. I know this is very important to her and her office, and so I do know that we disagree about some of the ways this works, but I also think that she's incredibly genuine in her desire to help kids. I think that there's a lot of other states where we've

seen similar legislation passed without the kind of thought or care that's gone into it with regards to actually helping low-income folks. And so I do think it's important to note that although we do have, I think, actual disagreements about the policy or the law behind it, that this comes from a genuine place, and I can't say that more honestly. So I do appreciate that effort. I want to rise today, and I'm sure we'll have a conversation to talk about a number of different things. I was actually going to talk about something separate. But given the conversation that just happened on the mic with regards to the constitutionality, I, I do want to take a step into that realm and have that talk. There was a long conversation last year about whether or not LB753 was constitutional, and I think that the muddied waters of that came about by virtue of the fact that it was a tax credit. And one of the debates that we were having about whether it's constitutional or not came down to whether or not it was, in fact, an appropriation. And the reason that's matter-- the reason that matters is the Nebraska Constitution says that we are not allowed to give money to private schools. I could read the entirety of the actual provision. I'm sure we'll hear it later. And so I think the argument with regard to LB753 by proponents of that bill was that the tax credit was not actually an appropriation, therefore it was not unconstitutional. One of the ways in which that bill differs from LB1402 is that this is blatantly an appropriation. And so the argument that this is not an appropriation to go to the public schools I think is a little bit weaker on this one. And I actually do believe that-- Senator DeBoer did a good job of explaining this-- that LB1402 does run afoul of our constitution. Senator Linehan is absolutely correct. There are a number of programs that have been found constitutional that provide access to additional services or supports for private schools. Those include bussing, book exchange programs, and certainly scholarships. But where they differ from what we're talking about here is the Supreme Court has found in those circumstances that any benefit to the private school was incidental. And what I mean by that is the programs that are available for those schools offered similarly situated things to the public and the private institutions. So, for example, bussing. You could get a bus to a public school and also a private school, but it was not simply to one without the other. The book exchange provided to private schools books that were also available to a public school. Any number of those opportunities are available to both. And what Senator DeBoer, I think, was getting at was in that example of the scholarship, when you receive that money, you can decide if you want to use that to go to a public institution or a private institution. Where that is different in LB1402 is that when you receive this

scholarship, you are applying for it for the purpose of using it purely for a private institution. It doesn't matter which private institution. Certainly you can decide which of those you might want to go to, so you do have that choice. But by virtue of the fact that-- for example, if I'm a public school student, I would not be able to apply and receive that scholarship and then just keep it in my pocket or use it for public school expenses, I would have to use it for a private institution, is where you see the delineation. So in these other programs where the benefit has gone to both, LB1402 only goes to one. And I think that that's where we really start to see some of the differences between LB1402 and the book exchange or the bussing or things like that. To take that a step further--

FREDRICKSON: One minute.

DUNGAN: --part of what I think-- thank you, Mr. President-- what I think differentiates the scholarship program from the private institutions and the public institutions is that you, in Nebraska, have a constitutional right to public education for K-12. You do not have a constitutional right to a secondary, postsecondary education. And where that matters is when we're talking about whether or not the constitution applies to where you can and can't go, the K-12 education is what you are required by law to attend. And so I believe that when we're talking about this part of our constitution, it specifically speaks to the invalidity of an appropriation to a private school, it speaks to K-12. And so I do think there's a couple of important delineations there between LB1402 and these other programs that have been upheld. I certainly think that this is an appropriation given the fact that it went to the Appropriations Committee. I also believe that LB1402 is to be used solely for private education, and it is public funds that go to that. So I think that that's part of the issues there. I'm not against tax credits, I think they can be helpful, and certainly I think they help in a lot of circumstances. I simply think that LB1402 runs afoul of our constitution. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I rise in support of the IPP motion. So, well, the number that I was thinking of was 1,100-- 117,145. That's the number of Nebraskans who signed the petition that was certified by the Secretary of State to place this very issue behind-- in front of the voters this November. We had a bill last year, which I believe was numbered LB753. I was opposed to it, though

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I would tell you I voted for the A bill, because I always say you vote for the A bill, even if you disagree with the philosophy or the principle, because the rest of you all made the decision to do it and the state of Nebraska was obligated to fund it. So I voted for that A bill. It's a lesson I learned from Mike Flood, is that you always vote for the A bill even if you disagree with the, the bill itself. But anyway, that was passed last year. I voted against it. I was against it, have been for years for a number of reasons. But folks went out and collected 117,000 signatures across more than 38 counties, and it was placed on the ballot, certified, and there were actually challenges to the certification for a number of reasons. And I know Senator Linehan said that she thinks people were deceived into signing the petition. I don't-- I just-- I just disagree with that. I, I, I'll tell you, I signed the petition. I actually circulated some of them. I know that might upset some people, but it was a pretty clear language, describing what it was. And you read the, the language on there, and it describes the intention. I'll try and pull it up here before I get back on the mic. But the voters deserve an opportunity to be heard on this. We're trying with this bill to circumvent that process. We have a very robust petition process in the state of Nebraska, and it does take a great amount of effort by volunteers and, yes, sometimes moneyed interests to get things on the ballot. I know Senator Erdman's got a ballot initiative he's been working on this year, and he can, I'm sure, attest to how difficult it is and how much work goes into that. But if something passes-- actually, Senator Slama can attest to that with, heading up the voter ID petition of two years ago now. But if the petition-- if the signatures are collected, it's certified, it meets that standard, the voters deserve their opportunity to be heard. And we as a Legislature, I think we should be very cautious about interjecting ourselves in between that process and the voters to try to short circuit it. And I know that is potentially the outcome of passing LB10-- or LB1402 here. So that's one of the reasons I'm opposed to this bill. I think that the voters deserve their opportunity to express their opinion about this, and we should not interject in between. As-- to go back to what Senator Dungan was talking about, the constitutionality and the distinction, I think he made some really good points on that. And that-- there is fundamentally a difference between our-- what our obligation is under the Constitution to adequately create these K-12 educational institutions, and that it is that folks are required to attend those schools, and therefore, we have an obligation to ensure that they are funded. And, again, he pointed out that there was the discussion about LB753 and the, I guess, gray area in terms of that discussion

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of whether that counted as an appropriation, although I tell you, again, I voted for the A bill--

FREDRICKSON: One minute.

J. CAVANAUGH: Thank you, Mr. President-- which I suppose implies there was some cost to the state in some mechanism, but that's a digression at this point. But this is a more direct appropriation in that regard of us actually spending money. I appreciate in a normal conversation, like all these conversations, Senator Linehan has proposed a constraint on this. That is a pretty substantial one in the dollar amount. But again, I disagree with the principle of this bill and I disagree with the idea that we're going to interject ourselves between the petition process and the voters before they have their opportunity to be heard. So I'll find that language. I'll push my button and talk again when I get an opportunity. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator John Cavanaugh. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. Good afternoon, colleagues. So it is important for us to know where we're at here procedurally. Senator Linehan has filed what would be viewed as defensive IPP bracket and recommit motions, and their withdrawal has been objected to by opponents of this bill. I object to that objection because it prevents us from getting amendments read across committee amendments that make the bill better. I would encourage opponents of this bill to listen to debate, and perhaps the next time Senator Linehan tries to withdraw one of her motions so that we can actually get to the core of the bill, you not object and we actually get to vote on this based on the merits of what you think the bill should be. If you've got the votes to kill it, then kill it. But let's not play games and avoid getting to making this bill better. Because if it does have the votes, you've now successfully stood in the way of making a bill that's going to pass better. Either way, there is no harm in letting these procedural motions go so that we can get to the core of the bill. I am grateful that we are talking about the constitutionality of LB1402 because I do think LB1402 is pretty clearly constitutional, especially when you look at the 1984 case, *Lenstrom v. Thone*. And we're going to take some time and explore this case because we have to unpack this. We're going to see a lot of strawmans of, oh, this is unconstitutional, when our courts have clearly held that it's, it's not. That-- the-- that it, it's not unconstitutional, therefore it's constitutional. So sorry. I switched around there. So we've got a

fact sheet. So the question comes up, what is *Lenstrom v. Thone* about? So the *Lenstrom* case was about the scholarship award program passed in 1978 in LB743. This scholarship award program provided financial assistance to, quote, enable eligible undergraduate residents to receive educational services in an eligible postsecondary institution of this state. The program, administered by the Nebraska Coordinating Commission for postsecondary education, provided a grant award of money to eligible students for educational purposes. The program had criteria for distribution of awards, such as directly distributing the award to the student, providing awards based on financial need, and that the awards only be used for educational expenses at postsecondary institutions meeting certain standards. If this program sounds familiar, it's because we know this program as the Nebraska Opportunity Grant program, or NOG. In 2022 to 2023, NOG gave out nearly \$25 million in scholarships to almost 14,000 college students with financial needs to attend public or private postsecondary institutions. NOG is funded by general funds and lottery funds. In *Lenstrom*, the Governor, Attorney General, State Treasurer, and State Auditor claimed that the scholarship award program violated Article VII, Section 11 of the Nebraska Constitution. They claimed it provided direct and indirect aid to a private school in violation of the Constitution. Now, the Nebraska Court said, not so fast, my friend. The Nebraska Supreme Court rejected the argument of the Governor, Attorney General, State Treasurer, and State Auditor, and ruled that the scholarship award program was constitutional. The court gave a literal interpretation to Article VII, Section 11 as amended in 1972 and stated that this provision prevents appropriations to a nonpublic school. They clearly distinguished the 1972 constitutional provision with the language prior to 1972. The language prior to 1972 prohibited appropriations in aid of pub-- of nonpublic schools. The Nebraska Supreme Court in multiple cases stated that this--

FREDRICKSON: One minute.

SLAMA: --old con-- thank you, Mr. President. That this old constitutional provision prohibited both direct and indirect aids to nonpu-- aid to public-- nonpublic schools. However, they ruled that the 1972 version, which remains intact today, is narrower and only prohibits direct aid and permits appropriations that have an indirect or incidental benefit to nonpublic schools. The court held that the scholarship award program was deemed to be a direct benefit to students in need of a college scholarships, but indirect or incidental benefit to nonpublic postsecondary institutions, all of which is constitutional under Article VII, Section 11. And we're

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going to keep revisiting this case because the strawman article that this is unconstitutional just doesn't hold water, and we have a case that we can point at that's directly on point. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Slama. Senator von Gillern, you're recognized.

von GILLERN: Thank you, Mr. President. I rise this afternoon in support of LB1402 and, of course, opposed to the IPP motion. And I've not-- I've not spent a whole lot of time preparing for testimony on this bill. Been working on some Revenue stuff, but I did go upstairs and I got my notebook from last year, which is a lesson in several things. One, apparent-- my apparent dedication to LB753 and also a lack of ability to go digital. So-- but it's kind of nice when I can grab a notebook off of my desk, or off of my, my bookcase and go back through and see all of the resources that were provided, all of the information that was provided, the floor testimony that I shared in. It, it's just a good refresher to see how we got here. So I'm going to be a little bit rambling and hit a few things that I may have said last year. But I want to actually, for a change of pace, draw attention to the bill itself. On page 3 of AM3431, it talks about priority and who actually will benefit from, from this program. First priority goes to students who received an educational scholarship under the Opportunity Scholarship Act, and that makes perfect sense because these kids are-- they've transferred schools. They've been supported. They're thriving, or pres-- at least we, we hope and believe that they're thriving in their new school situation. If they're not, guess what? They have an opportunity to go somewhere else. Section-- or-- excuse me-- second priority goes to students whose household income levels do not exceed 185% of the federal poverty level. That's a pretty substantially low number. I mean, there's-- I think it's reasonable to say that those families have no opportunity, no chance for their kids to get out of a bad school situation if that's where they are trapped. Third priority, household income levels exceed 185% of the federal poverty level but do not exceed 213% of that poverty level. So clearly, this is not a program that will benefit rich families. It's not a, you know, one of the big contests or things that was contested last year, was it this is a program for rich people. Well, guess what? There is no-- there's no way that kids from families that have any means of any-- at all are going to be able to receive these scholarships. This program, or the, the LB1402 eliminates the tax credit argument, and that was an argument that was made last year-- which, by the way, was completely false-- and that is that rich people were going to benefit from this

tax credit. There was no benefit. Anyone who contributed to the Opportunity Scholarship program got a 1 to 1 reduction in their state income taxes. They would have paid it to the state, but instead they paid it into the fund. They got absolutely zero tax benefit or financial benefit for doing that. The-- my, my comments about the families that are impoverished became a little bit more personal over these past couple of years. And many of you heard me talk about this story, but my son and two grandchildren moved to Nebraska from Virginia and went through-- it's a long, personal, tragic story, but, went through a bad divorce, and my son has sole custody of two kids. They have absolutely no means to, to, to have any form of school choice. And when they were in Virginia, that was the case, and they were in an absolutely horrible school situation. The-- it was the towards the tail end of COVID. The-- there was online learning that was in place, and that was kind of wrapping up, and the kids were disengaged. The teachers were disengaged. We had the opportunity to, to help our grandkids, to help our son and our grandkids to transfer into a private school, where they immediately began to thrive. And it changed their lives. And it's changed their lives since they moved here. They, they are in a school of their choice, and it has absolutely changed their direction.

FREDRICKSON: One minute.

von GILLERN: Things that they were-- thank you, Mr. President. Things that they were struggling with both academically and emotionally, now they have turned the corner on. So I take this very personally because I've seen up close and personal. It's really easy to look at me or someone like me and say, well, you don't have any-- you don't have any relationship to these kinds of issues or problems or challenges. Well, I do, and I've seen it up close, and I've seen it personally, and I think it's a travesty that we would do anything that would prevent families of low means from being able to put their students in a school where their kids can thrive. And so therefore, I stand in support of LB1402. And I'll continue to tell this story throughout the evening. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator von Gillern. Senator, Senator Murman, you're recognized to speak.

MURMAN: Thank you, Mr. President. I stand in opposition to the IPP motion and in support of LB1402. As the Chair of the Education Committee, I've always been a major believer in public schools. I believe firmly that every K-12 aged child in our state deserves access to a well-funded, competitive, and safe education. We just

passed two different education packages with my support, which I believe display that commitment. I also believe that every family has unique needs and values in which a one-size-fits-all approach may not always be the best. Because of this, I also support increasing school choice in the state of Nebraska, and LB1402. Before last year's historic legislation-- legislative session, Nebraska was one of only two states that did not have any form of school choice program. As a state, the majority of the Legislature knew we could do better and became more competitive-- and become more competitive. The idea that 48 other states were ahead of us in the race was simply unacceptable. So last year, Nebraska finally took a step in the right direction and passed LB753. Compared to most other school choice programs across the country, LB753 was generally quite humble. But based mostly on distortions of the truth, the great opportunity we worked on for LB753 is now at risk. Critics of the Opportunity Scholarships were quite-- quick to sow misconceptions across the state in hopes of repealing LB753. Many argued this was a way of defunding public education. The reality is that in the same year in Nebraska passed LB753, Nebraska passed a historic \$300 million increase and a \$1 billion Education Future Fund for our public schools. In total, Nebraska spends nearly \$5 billion in K-12 education. Compare this to the \$25 million spent through LB753 and it's easy to see that their claim is wrong. Not only have we not defunded public education, but we've funded it more than ever. Some may be upset only one year after LB753 we are back here debating school choice. But the loudest critics of LB753 created this situation. The organizers= who spent millions of dollars in paying for slogans to save our schools fearmongered, fearmongered a death of public education. Instead, LB753 could not have been more modest. It prioritized our kids most in need through a simple task-- tax credit scholarship. Only because that has been put at risk is why we now debate this bill at all. Supporting school choice does not mean opposing public education. In reality, school choice is all about putting parents back in charge. If a parent wants a child to receive a public education, Nebraska should be there to do that. If a parent wants a child to receive a private education, Nebraska should be there to do that. If a parent wants a homeschool-- wants to homeschool their child, Nebraska also should be there to do that. Every family is different. Different values, different religions and different needs. A system with no school choice--

FREDRICKSON: One minute.

MURMAN: --makes it-- Thank you-- makes it difficult to cater to every single family. Some will say that school choice has always existed,

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that those who wish to send their children to private schools can already do so. This comes from a place of privilege. Privileged schooling can be incredibly costly. Many Nebraskans and Americans alike are living from paycheck to paycheck. The reality is that, currently, private schools are only a viable option for the-- a portion of the Nebraska that can afford them. When it comes to getting a child a top tier K-12 education, income shouldn't be the deciding factor. Nebraska Opportunity Scholarships give all families, as the name implies, an opportunity. So I don't know how the vote will go today, but my message to students and families is simple. I'm committed to continue to fight for you to have that opportunity. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Murman. Senator Albrecht, you're recognized to speak.

ALBRECHT: Thank you, Mr. President. It's nice to see everybody listening in. And I rise today to support LB1402 and oppose, of course, the postponement of it. And I'd like to yield the rest of my time to Senator Linehan.

FREDRICKSON: Senator Linehan, that's 4 minutes and 40 seconds.

LINEHAN: Thank you, Senator Albrecht. And thank you for your support over the eight years we've been here on this and other subjects about kids, and students, and having options. I also want to thank Senator Slama for her description of the Supreme Court's ruling on the NOG program. And again, this was-- I think this might be-- I'm not a lawyer, but in 1972, the constitutional language changed from in aid of-- so anything "in aid of private," and was changed to "to." And I've read a bunch of these decisions over the last couple of years when we've been subjecting this. And I don't have it right in front of me, but the, the Supreme Court was very clear that "in aid of is different" than "to," and it doesn't say "in aid of any more." It says "to." So the scholarships are constitutional. Now, we can-- we can argue about many, many things, and I know we will, we'll be here for a while. But the fact it's constitutional, Nebraska Supreme Court has found it so. And you can pull up the case. It was Lenstrom, not like Lindstrom Hairs, I might not be saying this, L-e-n-s-t-r-o-m v. Thone. The other thing I want to draw to your attention-- and we'll hand this out after I speak. As I said when I started, but to repeat, we get to my amendment, we dropped the program from \$25 million to \$10 million. And there's no escalator. So I will pass out what that looks like. Of the money we spend on public K-12 education, it looks-- like, you can't see it. Senator Walz can see it, maybe. Can

you see that tiny line? Senator Walz, can I-- will you yield to a question?

FREDRICKSON: Senator Walz, will you yield?

WALZ: Yes.

LINEHAN: So Senator Walz, I'm holding this up, and I know we both have glasses, but this is the money we spent on public education. This is how much \$10 million is. It's actually 0.21%. So less, less than 25%-- 0.25%. So I'm just trying to explain to people we're talking about \$10 million in the world of education funding, and education funding public K-12 in Nebraska is about \$5 billion a year. So it's hard to kind of comprehend. \$10 million is a lot of dollars, but in the big picture of things, from this, it looks pretty thin, doesn't it?

WALZ: Yes.

LINEHAN: Sorry to put you on the spot. Thank you, Senator Walz. I think Senator John Cavanaugh said that he had petitions and had people sign petitions, and he signed the petition. Actually, it's funny thing, we now can-- that all is public record. I didn't know that until this. When you sign a petition, it is public record and it can be-- it is there forever. So I actually was aware Senator Cavanaugh had done that, which is absolutely his right. And I believe him when he says he read the language and did it the right way because he's a rule follower. You can just tell that about John Cavanaugh, Senator Cavanaugh. But I watched petitioners all summer not do it the right way. I watched a lot of people getting lied to. We have one volunteer. She's been here. She's testified several times. She has been very supportive of school choice. I think she lives in Senate Wayne's district. Her name is Clarice Jackson [PHONETIC], and she was at the Dollar Store, I think the Dollar Store at 72nd and Sorenson Parkway. And she was told, when they asked her to sign the petition, that it was for-- so low-income children could get scholarships. And she took out her phone, as we know the world we live in today, and she asked again to repeat, what are you saying? She goes, oh, you need to sign this because this is so low-income kids can get scholarships. On tape, folks. And then when we complained, they said, well, we're sorry. Those are people we brought in from out of state that we're paying and, you know-- what? No, no. You don't bring-- you don't bring staff in from out of state and pay them and not tell them how to do it right if you're really trying.

FREDRICKSON: That's your time, Senator.

LINEHAN: Thank you.

FREDRICKSON: Thank you, Senators Albright, Linehan, and Walz. Senator Day, you're recognized to speak.

DAY: Thank you, Mr. President. And good evening, colleagues. This will surprise no one. I rise in support of the indefinitely postpone motion and in opposition to LB1402. I haven't supported this type of legislation in the four years that I have been here, and I will not start supporting it now. In fact, this was one of the issues that I spent a lot of time discussing when I was campaigning the first time around, and found that in my district in particular, people don't want this type of legislation. The majority of the people that I talked to are not in favor of any type of private school voucher program. They strongly support public schools, and many of them live in the area particularly for the school districts that we have. So based on that, I will not be supporting LB1402 and have not supported bills similar to it in the past. I would, I would-- if I'm being honest, I would echo the sentiments of Senator Dungan from earlier. I do genuinely believe that Senator Linehan has her heart in the right place when it comes to this legislation. She genuinely cares about helping low-income children. And I think that, as she mentioned on the mic, that's reflected in her voting record on other pieces of legislation not related to education, or even some of them related to education, to help low-income students. I believe she genuinely cares about the kids that she talks about. And she has worked really, really hard. We know this is her last session. She's got three days left after this. And, you know, Senator Linehan and I don't agree on this issue, but I think she's going to be greatly missed. I wish I could give her a green vote on this because I like her. But unfortunately, I, I, I can't, I can't do that. I-- I'll be honest. I don't necessarily dislike the concept, right? We're helping low-income students find better access to education. I just don't support the mechanism. And maybe it's a failure on my part and some of my colleagues' part that we haven't found a better way to, to fund education for low-income students who need better options. And I will admit that I haven't. Other than trying to fund public education better, we haven't really done a whole lot to, to make that happen, and that is a failure on our part. However, it does not change my stance on the mechanism featured, particularly in this type of legislation. LB1402 is a straight-up appropriation without any of the guardrails that were included in LB753 from last year, which I think are extremely important pieces of oversight when it comes to

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education and making sure that the money that we are spending as a state towards education has the appropriate application and the appropriate guardrails in place. In addition to all of those things, LB753 did pass last year. I did not vote for it. But it did pass. And as several other of my colleagues have mentioned, there was a referendum on that bill in which 120-- almost 120,000 signatures were very quickly gathered. And that will be on the ballot this November. I think we would be circumventing the process that is currently in place--

FREDRICKSON: One minute.

DAY: --for the general public to have their say in a particular issue by passing a piece of legislation like this. We are jumping in the middle of what was a well-done referendum process, a, a hard worked signature-gathering campaign to allow the voters of the state of Nebraska to have a say in what they truly want when it comes to these types of voucher programs. And I think that we should leave it up to them and let them decide in November. We would be doing ourselves and the rest of Nebraska a disservice by attempting to jump the line and pass legislation like this. In the meantime, we need to leave it to the voters in November. So I will be continued in opposition to LB1402. Thank you, Mr. President.

FREDRICKSON: Thank you, Senator Day. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. First, I want to say somebody sent me a text and said something about Senator Linehan was mean to me. I don't think Senator Linehan was mean to me at all. In fact, I thought she was quite patient with me. And that's the thing I just generally want to say is that, you know, I just don't think we can villainize each other. I just don't believe-- I think that Senator Linehan and I disagree about this issue. I don't think that means she doesn't care about kids. I think she does care about kids. I think she cares about public school kids. I think she cares about public schools. I do think those things are all true. I think we can disagree about something like this. And I think if we don't figure out how to do that as a country where we figure out how to disagree about fundamental issues that we care deeply about, if we don't figure out how to do that without villainizing each other, then I think we truly are in trouble. So I appreciate that Senator Linehan has worked hard. I appreciate that Senator Linehan feels deeply about issues that she feels deeply about. And I'm sure right now she doesn't appreciate that about me, but that's OK. She's filibustered my bills that were

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my priority bills before, and it's a little harder on that side of things, I admit. Here's what I will say about LB1402. The opportunity for Nebraska to decide is available. Regardless of all the things in the past that have happened, the opportunity for Nebraskans to decide is before us in November. And I think we'll have an opportunity to see then what Nebraska thinks about this issue. I think we should-- in this case, the opportunity's there. Let's let the people decide. As for me, I am just-- I'm fundamentally against taking state dollars to create a second school system-- I mean, we're not creating a second school system-- but supporting a second school system in the same area with public dollars. If the public schools are failing our kids, it doesn't make sense to me to then give money to a, a separate school system and try and get them to not fail our kids. That's-- I'm probably not explaining that well, but I think if, if we have public dollars to spend on schools, then let's try and figure out how to make them better. And, you know, if a kid is bullied at one public school and then they go to a private school, what happens if they get bullied there? And, and what's to mean that they won't get bullied there? I think we do need to carefully look at how we make our schools better. And I've said on this microphone before that there are certainly differences in efficiencies in the school districts. If every kid in my school district, which is OPS, had the same amount of money that is in one of our-- I think the most expensive per student spending is something like \$33,000. First of all, we couldn't do that. \$33,000 per kid--

FREDRICKSON: One minute.

DeBOER: --for every kid in Nebraska would be a lot of money. But who knows what that would do? I think that there are opportunities to make our public schools better, and I think that that's great. And we're working on them. And I think we've passed bills already today to do that or we've passed them forward, so that's great. I think that the private schools should remain private. There's something that's lost when the government takes over something like a private school. If we're starting to put all this money into that, eventually the power of the purse strings speaks. I think the public schools and the private schools have different functions, different funding mechanisms because there is something fundamentally different about them. And a private school--

FREDRICKSON: That's your time.

DeBOER: --if it remains-- thank you, Mr. President.

FREDRICKSON: Thank you, Senator DeBoer. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in support of the IPP motion, and I oppose the underlying bills, as I have throughout my time in the Nebraska Legislature, because I do believe that public dollars belong in public schools. With that said, over the last few years, Nebraska has really seen a lot of ballot initiatives. And that is because, much like Congress, we are dominated by a single party, and that means certain agendas can easily be pushed through and have been, especially in our Legislature. So what happens then is we take it to the ballot box. Raising the minimum wage, Medicaid expansion, bringing back the death penalty, voter ID. We've seen voters tell us what they want, not what we want, which is really how it should work because they are the second house. We know 120,000 signatures were turned in to the Secretary of State office. Some were definitely in support of public schools, but others were in support of putting public funds towards private schools. That's what we keep forgetting to talk about. Everyone that signed this petition was not against Senator Linehan's bill from last year. Some were for it, but they felt, because we live in a democracy, that they should have the opportunity to vote on it because of the magnitude of funds that were being spent by the state of Nebraska. They both felt it was a, a big enough issue to bring it to a vote. We talked a little bit or heard a little bit about the petitioners, about how supposedly some of them were putting out misinformation. But I remember reading that story, where most of the offices that the media had contacted said that they hadn't heard any complaints, that there had been no formal complaints filed. But I do know, because I had so many people that I knew that were working on these petitions, that the decline to sign group put in over half \$1 million. And part of that decline to sign program was-- first of all, they had to sign a petition, I decline to sign, which did nothing. But they also paid for blockers, which I had never seen in a petition drive in Nebraska. And maybe I'm naive, but they literally had people that were walking in front of petitioners to take away a person's ability to sign a petition. And I saw it with my own eyes. And there's pictures of it on the internet. So not only did they not want people to have a voice, but they wanted to prevent you from using your voice to get it on the petition. And I thought that that was bad form. And again, you can say that's happened on other petitions and maybe it has, but that was the first time I had seen such aggressive people that called themselves blockers. And they had a, a certain colored T-shirt on, so you knew that they all belonged to the same

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group. And they said they did. And some instances, the police had to be called. I've got to say that I don't think there's any compromise, this bill or last year's bill, that can be more important right now than the will of the people and giving them the chance to vote on it. And then it's resolved once and for all, just like the death penalty, just like Medicaid expansion. You know, I go back to the voter ID petition, which passed, by the way, on the ballot. And I remember that I had to file a, a report with the State Patrol. I had an individual, as did another female senator who had it-- them come to her house-- and I didn't know the other person at all. I can't even remember their name. But we both filed reports because we were told by the petitioners that they worked for the state of Nebraska.

KELLY: One minute.

BLOOD: I had a picture of the car. I had a picture of the license plate. I filed a report with the State Patrol. And you know what happened? Nothing. Nothing happened. So we can complain and point fingers, but every petition has been problematic. But all I saw were a lot of people that were really devoted to the cause, working hard. I saw some burly guys in colored T-shirts trying to block people from signing petitions. The bottom line is this is the will of the people. Let them decide. We'll get this over with once and for all. Let's not try and supersede all of it with another bill. Let's just resolve it at the polls. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraska. At the outset, I want to state that I have been consistent in my approach to these issues in my long career in public service and am generally not supportive of diverting public money to nonpublic schools. However, I want to lift up a few important facts and nuances about this debate that I've observed over the, the last 2 years as these issues have really come to a finer point and attracted greater attention. I first want to say-- and Senator Linehan mentioned some of this in her opening. And I've mentioned it to many people off the mic and then I, I think, at least a few times on the mic, in committee. But if not, I, I want to make sure to say it out loud here today. I, I think it's a disservice to Senator Linehan and to this debate in general when people enter into this debate with broad and un-- inaccurate claims that Senator Linehan hates public schools and supporters of this measure hate public schools. That, that, that, that just couldn't be further from the truth. And I've

had the opportunity to serve with her and other members that support measures like this on the Education Committee, and have seen them fight very hard for increased resources for public schools, on trying to make public schools more equitable in their disciplinary policies or otherwise, in trying to enhance option enrollment programs, in trying to open up pathways and opportunities for students with disabilities. And I, I, I just want to say that for the record. But there's a-- the vast majority of Nebraska kids are, are going to go to public schools regardless if LB1402 moves forward or not. That-- it-- our public schools are a generational point of pride, as they should-- as they always have been and, and should remain. But I, I, I don't think that Senator Linehan or others that are pushing this measure forward have an interest in seeing public schools fail. That's not good for our communities. That's not good for our state. That's not good for our future. I think that they are looking at other options for some kids that public schools aren't working for. And again, I, I think we may have a, a disagreement on the remedy there, but I do want to say that for the outset. I also don't appreciate, as a civil rights attorney, some of the hyperbolic kind of comments. And I know it's hard to get it all in on the mic that, well, this is clearly unconstitutional, or that's clearly unconstitutional. Well, number 1, a measure passed by the Legislature has the presumption of constitutionality, and it is constitutional until a court says otherwise. See my many remarks in regards to the Attorney General's Opinion and the legislative oversight issues. And additionally, we've heard Senator Slama, Senator Dungan, Senator Linehan, and others kind of walk through a nuanced and complex set of case law, interpreting the relevant provisions in Nebraska about these issues. The other piece that I want to make sure to lift up as somebody who's a big believer in direct democracy and who has been actively involved in an initiative and referendum campaigns over the course of my career, I, I know--

KELLY: One minute.

CONRAD: --last year-- thank you, Mr. President-- must have been very emotional for all of the people involved. The tactics that I personally observed were not new to referendum or initiative campaigns. In fact, they are employed by both sides at different times for different reasons. That's part of free speech. That's part of free expression, the right to organize, the right to petition your government. And direct democracy is, is really the, the purest form of that. And the final piece that I want to say, just for accuracy, in terms of respecting the will of the voters, which I think is sacrosanct in initiative and referendum, is they did not get a

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suspension referendum. There-- the, the law is in place from last year. So we, we really need to think carefully and tread lightly about how we talk about these issues, because--

KELLY: That's your time, Senator.

CONRAD: --that matters. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. Good evening, colleagues and Nebraskans. One, before I say what I'm going to say, you know, I've-- and before I say what I say I'm going to say, I have been also against the concept of bills like this all my time in the Legislature. And spoiler alert, you know, I'm going to remain consistent to that position. But I also want to share a memory that's important to me here in the Legislature. And I'm sure it, it probably doesn't mean anything to Senator Linehan, but I, I actually have a kind of a special memory to me of her. So my first interaction with the Legislature as a newly elected official was right after the election, where I was elected in 2018. And shortly after that, in November, we have Legislative Council. And it's when-- it's mandatory. It's when all the members of the Legislature get together to kind of talk about what we're going to do in the new session. And as a newly elected official, even though I wasn't sworn in yet, everybody from my class was invited to participate in that. And I got to meet a lot of people who were kind of on their way out, who are term limited. Many of those people continue to be very important mentors to me today, and I look forward when I'm term limited to kind of returning the favor to whatever new class is coming in. But 2 of the women who I specifically wanted to talk to as a newly elected, young, you know, state senator in Nebraska were Patty Pansing Brooks and Senator Lou Ann Linehan. And I had read in the newspaper about this tour that they had done of schools in Nebraska talking about reading ability and specific legislation that they had worked on together to improve reading outcomes for kids in Nebraska. And that was one of the stories and, like, one of the reasons that I was so excited to be elected, was because I saw this example of a, a strong, accomplished, politically effective conservative woman and a progressive woman who were working together for a shared goal. And it made me so excited for the work that we were going to do in the Legislature because, I mean, in Nebraska, we do do things differently. We certainly have political strife. We certainly have ideological divides you can see every day. But we do also have

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relationships that are unique to Nebraska and something that I'm proud of and defensive of and something that Senator Linehan has always exemplified. And, you know, I agree with everybody who, who thanks her for her work in service of students across the state. What I will say about LB1402 and-- as well as the rhetoric that we've heard specifically today around this bill, is that nobody in this body, especially the Chair of the Education Committee, should be scolding our voters for pushing back against LB753 by asking for a referendum on it, or any bill that we pass. If it was my bill, if it was my priority, if it was my, you know, chief legislative accomplishment, if the voters were able to get the signatures for a referendum on it, that's the, that's the job. That's the system. That's the institution in which we work. And it's another very, very strong point of pride that we have in Nebraska, that we trust our voters and we trust the people of Nebraska to have that privilege, whatever that may be, whether it's putting something on the ballot or a referendum to repeal a law that we've passed. You know, certainly, the same thing has happened with Medicaid expansion, which the Legislature did not pass but then was put into law by the voters. The same thing happened with the death penalty, which the Legislature did repeal the death penalty, but then the voters decided to reinstate in Nebraska. And this November, on our ballots--

KELLY: One minute.

HUNT: Thank you, Mr. President-- it will not just be a referendum on the opportunity scholarship, tax credits. There is a host of things on the ballot that matter to our voters, our people in Nebraska. And, you know, these petition campaigns are run by regular people. I have tons and tons and tons of friends who volunteered their time to collect 120,000 signatures all over the state. The effort to silence them was funded by, partially, Betsy DeVos, who owns 10 yachts. And so, honestly, the signatures were collected. This is how the system works. And I'm not afraid of letting voters decide, whether that's on death penalty or on Medicaid expansion or a referendum on any bill that we pass here in the Legislature. I also want to be clear to Nebraskans and everyone among us here that what we are debating is not the merits of private education or the merits of public education. What we're talking about is the taxpayer funding of private schools.

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues, I rise in support of MO1186 and in opposition to LB1402. I would echo the comments made by some of my other colleagues about working with Senator Linehan. And I know that this is a passion of hers. And she has worked on it very diligently over her 8-year term. And I don't relish opposing her priority bill at all, especially since what she's trying to achieve is a, a stronger education for underserved children. I just fundamentally can't support taxpayer dollars going to private schools, and there's a couple of reasons for it. One is that it does, in fact, harm public schools. When a child goes to a private school instead of a public school, there are some public dollars that go with that child. And if that child has any sort of additional needs, like speech therapy, or has hearing disability, or if that child identifies in a way that the school disagrees with-- so the school can send the child out for resources to-- and the public school must cover them, and they don't get reimbursed. So that's a cost to public schools of nonreimbursement for those services. So speech-- like speech pathology. If a child needs speech therapy and they go to a private school, they have to get it from the public school. And they don't get reim-- the public school doesn't get reimbursed for those costs. They still cover those costs. So that's one reason to not want public dollars going to private schools. But if a child identifies as LGBTQ or really just doesn't fit whatever mold that the school wants, they don't have to, first of all, accept them, and they don't have to keep them once they're there. And if they have family that identifies differently than the school manual-- which we had this conversation last year, about the bill that we've been talking about, the ballot initiative-- then they can kick the kid out for that, as well. And those are things that really do not rest well with me. And I understand that public schools discriminate, but they're not allowed to. It's not permissible. It happens. It's unfortunate. It's more than unfortunate and it does happen, but it's not permissible. In private schools, it is permissible. They can inherently discriminate. And that is, again, problematic for me. I, like Senator DeBoer and probably Senator John Cavanaugh, have made financial contributions to private schools. I have supported private educations through my own resources. Not in the last 6 years, since I make \$12,000 a year, but previously, I have donated money to various religious private schools and attended fundraisers and things like that. And, and that's my prerogative. And I do get a tax deduction for that. And I get the same amount of a tax deduction if I donate to

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Westside School Foundation. And this is going further as a tax credit. And I oppose tax credits, so that's another reason that I oppose LB1402. The only tax credits that I tend to support-- and I am sure I am about to give Senator Linehan some serious fodder-- but the only tax credits that I support are for low-income families.

KELLY: One minute.

M. CAVANAUGH: And I think she and I might be thinking about this tax credit in a different way, but I just wanted to give her something to talk about later, I guess. So I just want to quickly comment on the ballot initiative piece of it in my final seconds. I also-- I support the ballot initiative. I helped collect signatures for the ballot initiative. I have lots of war stories, just like everyone else, from collecting signatures. And I supported Senator Linehan's bill to make it easier to take your name off a ballot initiative because I think that we should not be thwarting the people of Nebraska. We should allow them to take a vote if they want to take a vote and we should allow them to take their name off if they want to take their name off. We shouldn't be playing any sort of games or trickery with this. So another reason I don't support LB1402 is I think we should-- the people have spoken that they want to vote on it and we should let them vote on it. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh announces a guest under the north balcony, Jaelyn Uehling of Omaha, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. And good evening again, colleagues. I know we're getting close to the dinner hour here. Still about another 30 minutes or so before we stand at ease. And so, I, I wanted to take a step back to kind of what we were talking about earlier, with regards to the constitutionality. I was actually just having a conversation off under the side here with Senator Moser about whether or not-- what the sides of this come down to. And, you know, I think he, he aptly points out, it comes down to whether or not you're for the, the funding through us of private education or against it. And then we all sort of have different reasons. And I think that Senator Hunt and Senator Machaela Cavanaugh have spoken as to some of their reasons. I'm sure we'll hear some other reasons as to the opposition. But I, I really do want to hone in a little bit on the constitutionality argument. Now, I also understand that it's not specifically the most clear. And what I mean by that is I would respectfully disagree with Senator Slama when she said that there is

a case that is directly on point. Generally speaking, when there's a case directly on point, what that means is that you have the exact subset of laws that you're talking about and it's the exact same situation. And then you and the other attorneys can go find that case and say, judge, you know, X, Y, and Z v. A, B, and C clearly says that in this specific circumstance, this will be the outcome. *Lenstrom v. Thone*, which is the case that we keep referencing, is a slightly different circumstance, and I want to explain why. It goes back to the discussion that we've had with regards to the 1972 change in the Nebraska Constitution. Prior to the 1972 amendment of the Constitution, the Nebraska Constitution prohibited the appropriation of public funds, quote, in aid of any sectarian or denominational school or college or any educational institution which is not exclusively owned and controlled by the state or a government subdivision thereof. It's kind of wordy. But the main key part in there is the phrase "in aid of," which is specifically brought up in this, this handout we have. It was then changed and amended to read, quote, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or political subdivision thereof. So, it's absolutely correct that the main thrust of this case is the change in the amendment from "in aid of" to the word "to." Where I think we have a disconnect IN what I believe this case actually says is that the reason that that change mattered in this particular case was, prior to the change, when the Constitution said you couldn't give any money in aid of private schools, what that meant, meant is if you had a, a law that provided money that could potentially also go to a private school in addition to something else, it was unconstitutional. When the word was changed to "to," what that meant is it's not unconstitutional if it goes to both public and private education, but it is unconstitutional if it only goes to private education. And so, this is the difference that we've been highlighting here. And that's specifically what they actually talk about in this case. What they say here is, in the absence of some plain restriction in the Constitution, it is not for this court-- in the *Thone* case, it is not for this court to say the scholarship awards for needy students paid directly to the student, which may be used at any eligible institution, private or public, as defined by the act, and which may not be used for pursuing courses of study which are pervasively sectarian and creditable toward a theological or divinity degree, do not serve a public purpose. So what they're saying there is we, the Legislature, get to decide essentially what serves this public pur-- pur-- purpose. But the fact that it can go to either private or public--

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KELLY: One minute.

DUNGAN: Thank you, Mr. President-- is what made this scholarship program constitutional. Had the law-- had the Constitution remained the same, had it just have said in aid of private institutions, then this would have been unconstitutional, this, this old statute. Because that meant that anybody who gets this scholarship could use it for a private school. But because it was changed to "to--" semantics are important-- because it was changed to "to" private education, it meant it's only unconstitutional if it directly only goes to private education. What we're talking about with LB1402 is an opportunity-- or, I'm sorry. It's a scholarship that can only be used for private education. You cannot get that money in your pocket and then go use it at your public school to buy what-- whatever. Now, if we want to talk about modifying this to allow for sort of just a universal basic income or something like that where people can use that for whatever education they see fit, we can have that conversation. It's about a child tax credit. But that's not what this does. And LB1402 I do believe runs afoul of the Nebraska Constitution by virtue of that language.

KELLY: That's your time.

DUNGAN: Thank you, Mr. President.

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

DOVER: Question.

KELLY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. There'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: 21 ayes, 1 nay to place the house under call, Mr. President.

KELLY: The house is under call. All senators, please return to your seat and record your presence. All senators outside the, outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Machaela Cavanaugh, Senator Wishart, Kauth, Armendariz, Halloran, McDonnell, Ibach, and Hughes, please return to the Chamber and record your presence. The house is under call. Senators Wishart-- Senator Dover, we're lacking Senators Wishart, Kauth, and Hughes. May

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we proceed? There was a vote open. Senator Dover, will you accept call-ins to cease debate? We are now accepting call-ins.

CLERK: Senator Jacobson voting yes. Senator Armendariz voting yes. Senator Dorn voting yes. Senator Arch voting yes. Senator Sanders voting yes. Senator Erdman voting yes. Senator Hughes voting yes. Senator Kauth voting yes. Senator Ballard voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 27 ayes, 3 nays to cease debate, Mr. President.

KELLY: Debate, debate does cease. Senator Linehan, you're recognized to close. And waive closing. Members, the question before the body is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 3 ayes, 31 nays on the motion to indefinitely postpone, Mr. President.

KELLY: The motion fails. I raise, I raise the call. Mr. Clerk.

CLERK: Thank you, Mr. President. Senator Machaela Cavanaugh would move to reconsider the vote just taken on MO1186.

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

M. CAVANAUGH: Thank you, Mr. President. I'm a little out of breath. I thought we were voting, so I was running up the stairs. And Senator Ibach said not to run, which was good advice because I'm wearing heels, but I didn't want to be late. So, sorry. I'm a little, a little out of breath. OK. So obviously, there's a, a philosophical difference on LB1402. And I remain in opposition to it. And we will, as a surprise to no one, be talking about this the entire time that it's available to us. So, I'm not going to talk about the constitutionality of this because I am not an attorney. And while I understand-- I have a general grasp of how this is unconstitutional, I'm going to let others dig into that policy area. What I am going to say is that even if I hadn't participated in gathering signatures to overturn the scholarship bill from last year, I would oppose moving forward a bill that would remove that from the ballot because that is taking away the right of the voters to say how they feel about their taxes. And that's the intention of LB1402. Senator Linehan even said that publicly in an article, that she was concerned that the voters of Nebraska were going to vote to repeal LB75-- LB753? I'm probably getting my numbers wrong now. LB753. And, and that's why she

introduced another bill, to safeguard against that. And if this passes, then the repeal bill-- the repeal ballot initiative becomes moot. And then all of the people that signed on to say, yes-- in all of the counties, to say yes, we want to vote on this, we want to vote on this, are getting silenced. And those are your constituents that you are silencing. So I honestly don't know how you can, can vote for it. I don't know how you can vote for it and then go back to your communities and say that you care about the voters and you want to hear from them and hear their voice when you're saying, but not, not at the ballot. I want to silence you at the ballot on issues about your tax dollars. That's, that's bold. It is a bold move. Not one I would take, personally, but it is bold. So one of the things that struck me in this bill, and maybe it's something that there's an amendment on, I don't know. It says that a sibling of a student receiving a scholarship who resides in the same home could qualify or be eligible for the scholarship. Now, I found that to be a little perplexing. And I just bring it up because I am taking time on this bill. So I'm going to talk about some of the nuances of this bill. Why I find it perplexing is because that indicates that families that are blended families or families that have older children that are out of the household that are maybe in high school at a private school and a child that's in a different household but a sibling that wants to go to junior high or go to that high school won't qualify under this-- only if they are in the same home. And I know that people here are big fans about talking about the heteronormative nuclear family. But the reality of the population that we are talking about is some single mothers, maybe some children that have-- are part of a divorce and are in different households because of custody issues or maybe they are divorced and the child is a half sibling but still a sibling, so they're-- different parents. So blended families, families that look different than what you think of, the heteronormative nuclear family, are really the people that we're talking about. And so, I do find that qualification-- that specificity of that qualification to be problematic. Not that it would-- I-- I'm not going to offer an amendment because it wouldn't change my opinion of the bill. But I would recommend maybe just saying, a-- has previously received an education scholarship, and-- oh, no, wait. That's the-- sorry, the wrong one-- is the sibling of a student who's receiving an education scholarship, and take out the "resides in the same household." Because that's not always the reality for these kids. They could also live with their grandparents. One kid could live with their grandparents, and other kids live with their parents. And I know families like this quite well, and this is not their reality. And so this is something that really does take

away a greater opportunity for a complex family situation. And I think that's something that people should consider. Anyways. OK. The scholarship granting organization, SGO. So they receive money from the Treasurer to distribute to students and families. And they must be a 501(c)(3), provide scholarships, and not be affiliated with a single school. They provide the Treasurer with sufficient information to show that the SGO is a 501(c)(3), will offer education scholarships, will not limit scholarships to only one school, will give priority to certain classes of students, will limit the maximum scholarship amount awarded to any student to the cost necessary to educate the student, and will limit scholarship amount such that the average scholarship amount per student does not exceed 75% of the statewide general funding operation expenditures for formula students. So what are the priority classes for an SGO should-- can-- should use to distribute the scholarships? Anyone who received an opportunity scholarship during the previous school year, siblings residing in the same household of students that receive an opportunity scholarship-- my aforementioned concerns with that stipulation. Then the next, priority 2, is students whose household income does not exceed 100% of the federal poverty level, which is \$31,200 for a family of 4 in 2024, student whose application for option enrollment has been denied, students who have an IEP, students who are experiencing bullying, harassment, hazing, assault, battery, kidnapping, robbery, sexual offenses, threat or intimidation, or fighting at school, students in foster care, students with a parent or guardian actively serving in the armed forces or National Guard, or whose parent was killed in the line of duty. Now, one of my concerns with this priority 2 grouping is item B. Item B is students who-- sorry. I'm looking at my sheet. You don't know what item B is. The second item-- students whose application for option enrollment has been denied. So getting that second priority up there, that is anyone who applies to opt in to a different school district and is denied. And people can actually do this. They can opt in-- they can apply to opt into another school district that they know they will be denied at--

KELLY: One minute.

M. CAVANAUGH: --and then, they qualify for this scholarship. And, and I would happily stand for correction. But it is my understanding that they then don't have to meet financial benchmarks. But I'm not as well-versed, and I always stand for correction. I could be misunderstanding the bill. But I do-- I am concerned about the option enrollment has been denied. OK. So then priority 3 is students whose household income is between 100% and 185% of the federal poverty

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level, so \$32,000 to \$57,000 for a family of 4. Students whose household income is between 185 and 213% of the federal poverty level, which is \$57,000 to \$66,000, and that's priority 4. And then priority 5 is students whose household income is between 213% of the federal poverty level and 300%--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator John Cavanaugh, you are recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I guess I stand in support of the motion to reconsider. And I had promised to read the referendum petition language. I, I appreciate Senator Linehan giving me credit for her knowing my personality and knowing that I would do it the right way when I was doing it. And I would tell you that I am a stickler, which can be annoying to the people around you, when you are "sticklering." And I've gotten that a lot from some of you. I can tell you I've got a, a good example of being a stickler in a committee hearing one time, and-- or, not committee-- well, committee hearing many times, but in committee Exec Sessions and folks being annoyed. But I think it, I think it pays off in the long run to, you know, do that. But-- so here, the object of this petition is-- the object of this petition is to repeal LB753, passed by the One Hundred Eighth Legislature of-- in 2023, which, (1), authorizes certain nonprofit organizations to provide scholarships to eligible students to attend qualified private elementary or secondary schools, and (2), provide individuals and corporations tax credits for financial contributions to these organizations. So-- and then there's a part that kind of is the technical, where you put in the county. And then everybody has to sign it. And you have to make sure when you're doing that-- there's the date, the signature, the printed name, date of birth, address. You have to make sure that they sign the right date-- or, they write the right date-- they sign it, they print their name, they put in their date of birth, and they put in their address. You have to make sure all those things, or else those are not valid. So I think there are, are important, you know-- it's a-- it's good to do the things the right way because, as others have said-- you know, I, I believe strongly in the referendum process. I believe strongly in the initiative process. And I, I believe strongly in encouraging folks to participate in our democracy in all the ways, of coming down here and testifying, and having their voices heard, and sending us letters and emails and things, and facilitating that voice being

heard. And I actually-- I join the other Senator Cavanaugh in, in saying I, I agree with Senator Linehan's proposal to make sure that people can more easily remove their name. Because even if you change your mind, if-- even if you weren't-- didn't feel deceived or anything, if you just changed your mind before it goes through, I, I think it's your, your-- your voice deserves to be heard. So, anyway, it's-- so I circulated those petitions. And, and I've-- I heard complaints on both sides. I've heard people say those things. I personally didn't experience any of that. And I, you know, I've circulated petitions for other petitions drives, as well. The, the medical marijuana petition in-- actually, more than 1 time. More than 1, 1 medical marijuana petition have I circulated for-- and minimum wage, things like that. But anyway, I di-- I digress about that. So I, I think with 117,000 people signed this-- and as Senator Conrad correctly pointed out, the advocates for this petition drive did not seek to prevent the-- LB753 from going into effect for the first year. They could have may-- I mean, I guess I don't know whether they could have gotten enough signatures. I think it was about 120,000 would be the-- would have been the mark for that. But it is currently in effect. So we have it going. People can make their determination at the ballot box if they like the way it's in effect currently. Gives them that opportunity. But the fact that so many people, more than were necessary to put it on the ballot-- I think the ballot number is in the 90,000 range, so--

KELLY: One minute.

J. CAVANAUGH: Thank you, Mr. President-- way more than is necessary under the Constitution. More-- and then it's-- I think it's 5% of the counties-- 5% of 38 counties. And I know that they qualified 5% of more than 38 counties. But the wide number of individuals who have expressed their desire to have this vote I think is, is, is pretty convincing to me that this is something that we should leave up to the voters for the time being. I totally understand the folks whose time is passing here and will pass before the ballot is resolved. But at a certain point, we all are going to pass from this place, and the voters will still-- are still entitled to their opinion regardless of where we are in our arc at-- in the Legislature. So, I've got other things to say. I guess I thought I'd have more time here, but I will-- like everybody. We all thought we'd have more time here. But I do think we-- I'm, I'm in favor of the motion to reconsider. I'm opposed to the underlying bill.

KELLY: That's your time.

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J. CAVANAUGH: Thank you, Mr. President.

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

WAYNE: Question.

CLERK: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote-- 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: 27 ayes, 1 nay to place the house under call.

KELLY: The house is under call. All senators outside the Chamber, please return to your-- to the Chamber and record your presence. All unauthorized personnel on the floor, please leave the floor. The house is under call. Senators Wishart, Clements, McDonnell, please return to the Chamber and record your presence. The house is under call. Senators Wishart and McDonnell, please return to the Chamber and record your presence. The house is under call. Senator Wayne, we're lacking Senator Wishart. Shall we proceed or do you wish to wait? Thank you, Senator Wayne. Senator Cavanaugh, you are correct. All unexcused members are now present. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht--

KELLY: The question is to cease debate.

CLERK: --voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad not voting. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Meyer

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voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas not voting. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Vote is-- Senator Aguilar voting yes. Vote is 32 ayes, 5 nays to cease debate, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. It wasn't part of the official record, so I'll just say for the record. Senator Wayne said that I was right. I am also a stickler for the rules like the other Senator Cavanaugh. And when I read ballot initiative language when I'm volunteering, I also read all of the language to all of the people. And it drives people crazy. OK. So we've got this vote now, and then the committee amendment is going to come up. And then, there's additional motions that are going to come up. And I-- if the objection-- if the object is to get the committee amendment, that's what's going to happen next. If it's to get to something else, I don't know what that is, but then I guess you're going to have to keep calling the question. Otherwise, when the committee amendment gets up, people can go about their evening until we get to cloture. So that's pretty much the essence of this. And also, if there are other amendments that we need to get to, maybe, you know, let people know. I don't know what they are. I didn't look at all the amendments. So, motion to-- this is to reconsider the motion to indefinitely postpone pursuant to Rule 6, Section 3(f). And again, the reason that this board looks so interesting, is that Senator Linehan filed this motion on her bill as a preventative motion. But because the Legislature changed the rules that if somebody files a motion and withdraws and then nobody else can file that same motion of that same round of debate that same day, we also had to allow for you to object to them withdrawing that motion. And so, we objected to withdrawing that motion because that is our rules. So, that's pretty much it. And I've got time still. How much time do I have left, Mr. President?

KELLY: You have 2 minutes, 58 seconds.

M. CAVANAUGH: OK. Well, we're probably going to go to dinner shortly, so if she would like it, I'll yield that time to Senator Linehan.

KELLY: Senator Linehan, you have 2 minutes, 43 seconds.

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LINEHAN: Thank you, Senator Cavanaugh. I would think, Senator Cavanaugh-- we do have an amendment to get to. And, yes, I would hope that people can stay on the floor, and we can call the question so we can get to the amendment. So with that, I yield the rest of my time back. Thanks.

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

CLERK: 7 ayes, 30 nays on the motion to reconsider, Mr. President.

KELLY: The motion fails. I raise the call. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Series of amendments to be-- and motions to be printed. Senator Machaela Cavanaugh, amendment to be printed to LB388. Senator Machaela Cavanaugh, a series of motions to be printed to LB1363, as well as LB937. New LR, LR472. That will be laid over. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. I've had questions regarding cloture on this bill. And I just wanted to remind people that I announced last Thursday LB1402 will be eligible for cloture after 4 hours of debate because I know that was one of the questions. The A bill will be eligible for cloture after 30 minutes of debate, which is the guideline for all A bills. And we will now stand at ease for 30 minutes for the dinner break.

[EASE]

_____ : Attention, Senators. The Legislature is scheduled to reconvene in 5 minutes.

KELLY: The Legislature will now come to order. Mr. Clerk.

CLERK: Thank you, Mr. President. LB1402, introduced by Senator Linehan. It's a bill for an act relating to appropriations; appropriates funds to the State Treasurer for the purpose of providing grants to scholarships-granting organizations; and declares an emergency. The bill was read for the first time on January 17 of this year and referred to the Appropriations Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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KELLY: Senator Clements, you are recognized to open on the committee amendment.

CLEMENTS: I-- it's not my committee amendment. Oh. Excuse me. Thank you. Thank you, Mr.-- thank you, Mr. President. Would Senator Linehan yield to a question?

KELLY: Senator Linehan, would you yield?

LINEHAN: Yes.

CLEMENTS: Thank you, Senator. Would you help me describe what's in this amendment?

LINEHAN: Yes. This is the amendment that Appropriations-- so we had this hearing, you'll remember. And then the Appropriations kicked out an amendment where they put it for \$25 million. And I think it was pretty much not that different than the bill. It's pretty much the bill with some tightening up, I think.

CLEMENTS: OK. That's right. I'm-- excuse me. I was not remembering this was an Appropriation bill. I do remember that hearing now, very well.

LINEHAN: Yes.

CLEMENTS: And so, is there anything else that you'd like to talk about in that?

LINEHAN: Oh, I actually would like to-- I think-- I've got an amendment to this, this amendment so we can lower-- where we need to get tonight is Appropriations kicked out \$25 million per year. And we need to do 2, 2 things that are very important in the amendment we're trying to get to. It lowers that to \$10 million a year. The appropriat-- the committee and the bill also had an escalator on it. We're taking that escalator away. So you will know, Mr. Chairman, on your green sheet exactly how much it will be until the Legislature, if they ever decide to increase it, they'll have to come back to the Appropriations Committee.

CLEMENTS: OK.

LINEHAN: And also, it repeals the bill that's current law. It repeals current law toward the end of the year. Because if we don't do that, then we have a problem with the green sheets, so.

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CLEMENTS: Very good. Yes. I-- now I do realize that the current law is already in our forecast-- our revenue forecast. And that would be freeing up money to fund this, even-- and even some extra money. So--

LINEHAN: It'd be free-- it'd be freeing up money to fund this bill, which will be \$15 million less than that's in the budget each year. So it actually gives back to the Appropriations Committee if we get to the amendment, \$30 million-- well, it gives back to the Legislature \$30 million. That's in the budget, right?

CLEMENTS: I think it's \$40 million.

LINEHAN: Oh, it's 40. OK.

CLEMENTS: I think it would be \$10 million the second year and 15 and 15 the third and fourth year. Right. All right. Well, I'm hoping we can get to that.

LINEHAN: Thank you.

CLEMENTS: Thank you, Mr. President.

KELLY: Thank you, Senators Clements and Linehan. Mr. Clerk, for a motion.

CLERK: Thank you, Mr. President. Senator Linehan would move to bracket the bill until April 18.

KELLY: Senator Linehan, you're recognized to open on your bracket motion.

LINEHAN: I'd like to pull that.

KELLY: Senator Linehan, there has been an objection. You're recognized to open on your bracket motion.

LINEHAN: OK. So as we all learned, this is a new-- I don't think I've been through this before, but it's good. We're quick learners. So I would just ask that we have a vote to go to the bracket and we vote it down. Thank you.

KELLY: Thank you, Senator Linehan. Returning to the queue. Senator Moser, you're recognized to speak.

MOSER: Question.

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KELLY: Question has been called. Do I see five hands? I do. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 17 ayes, 2 nays to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those senators unexcused outside the presence of the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Vargas, Walz, Dover, McKinney, Bostar, Meyer, McDonnell, Ibach, Wayne, Erdman, Murman, Brewer, Riepe, Dungan, John Cavanaugh, and Bosn, please return to the Chamber and record your presence. The house under call. Senators Vargas, Ibach, Brewer, please return to the Chamber and record your presence. The house is under call. Senator Slama, we're missing Senator-- Senators Vargas, Ibach, and Riepe. How do you wish to proceed? There's a request for a roll call vote. Mr. Clerk. Vote is to cease debate.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad not voting. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe. Senator Riepe voting no. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Vote is 32 ayes, 7 nays, Mr. President, on the motion to cease debate.

KELLY: Debate does cease. Senator Linehan, you're recognized to close on your bracket motion.

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LINEHAN: I would like a red vote-- a red vote-- a red light on the bracket motion. Thank you very much.

KELLY: Thank you, Senator Linehan. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad not voting. Senator Day voting yes. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas not voting. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Senator Bosn voting no. Vote is 3 ayes, 33 nays, Mr. President, on the motion to bracket.

KELLY: The bracket motion fails. I raise the call. Mr. Clerk.

CLERK: Thank you, Mr. President. Senator Machaela Cavanaugh would move to reconsider the vote just taken, with MO1384.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, listen. I was here for LB25 and calling the question the other night, but this is obscene. We just got back from the dinner break. We just got the Appropriations amendment up there. We just got the motion to bracket up there. And the very first person in the queue called the question. And the same people who were irate at numerous people getting to talk after several hours just voted for that. And honestly, the Chair, the presiding officer, should have ruled that out of order. 100% that should have been ruled out of order. It should not have gone to a vote of us. Have a little bit of a respect for debate, even if it's

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just 2 people. 1 person. That is the first time since I have been here that the very first person in the queue called the question and it went to a vote. That is extremely, extremely disrespectful to the people of Nebraska. And what are you calling the question on? You're calling the question on a bill that people are opposing in this body because you are taking away a vote of the people of Nebraska on a ballot initiative. How petty are you that you can't have an honest debate with us? You're all in the queue for hours so that you can call the question every 5 minutes, and you can't have an honest debate? You're going to vote for a bill that is going to take away the vote of the people of Nebraska on the ballot. You are going to do that. And you're going to do it without saying anything. You're just going to say question. That is so inappropriate and disappointing. With only 3 days left. The committee amendment is up there. You don't need to keep calling the question and hindering debate. There are substantive things to talk about in this bill. There should be robust debate on all sides of this bill. Like, this is an Appropriations bill, which the Chair of Appropriations did not seem to understand when he was asked to open on the Appropriations Committee amendment. Also, this is an Appropriations bill. And it puts basically into statute a permanent appropriation. Instead of going through the normal legislative process of putting something into statute, we went, circumvented, went to the Appropriations Committee, slipped this in. And it's just like the bill that was slipped into the Appropriations package, that puts something in perpetuity. We can't do that in Appropriations. We can't bind future Legislatures to an appropriations bill. But you don't care about that. You don't want to talk about that. You just want to say, question. What does that say to your constituents, your constituents who signed a ballot initiative, to say that they wanted to have a say in their taxes? What are you-- what message are you sending to Nebraska? It's not a good one. I had a friend once say, you know, Machaela, you might be outspoken and loud, but you're not always wrong. Colleagues, you are voting to take away the vote of your constituents, and you are being so disrespectful that you won't engage in serious, deliberative debate. I might be loud, but I'm not wrong. And whether it's constitutional or not constitutional is something that we should be talking about. And whether it is appropriate to do this through the appropriations process and put it in perpetuity, binding future Legislatures through appropriations, which-- maybe it's happened before. I'm not aware of it. I think it's fairly unprecedented for a Legislature to bind the hands of a future Legislature's appropriations. That is what statutory changes are for, not the Appropriations Committee. But we've gotten so sloppy in here. So

sloppy. We don't care about process and procedure. We don't care about the institution. We don't care about upholding values and our oath that we swore to. You degrade the institution and you degrade the voters when you conduct yourselves this way. This Legislature has eroded into something unrecognizable to me. And even as I stand here opposing Senator Linehan's bill, I do so with a heavy heart, because I know this is important to her. I know she cares about this. This is a fundamental policy difference that she and I have. I am not trying to hurt Senator Linehan's legacy in this Legislature. I genuinely, completely disagree with this approach. And I always have. And it's not because anybody out there told me. Because I can tell you the people out there are not talking very much. Maybe they're talking to you all, but they're not talking to me. I'm here on my own, standing up for what I care about, what I believe to be right, what I believe to be true, and what I believe to be the right process for this state and for this Legislature. And I ask you, what are you doing? What are you doing? Calling the question when no one got to speak. That is not OK. And Mr. President, that is not OK for you to pass that onto us. You can rule it out of order. And when somebody calls the question when no one has spoken, that is out of order. That is not full and fair debate. It is not. You can't even pretend that it's even a little bit full and fair debate, because it is not. And you all should be outraged, too. Even if you're annoyed with the debate, even if you want to move onto the next thing, that is not OK. It's not OK. It shouldn't have happened, and it should have been ruled on. How much time do I have left, Mr. President?

KELLY: 3 minutes, 20 seconds.

M. CAVANAUGH: Great. I do care about this bill. I do care about Senator Linehan. I do care about school kids. And I love my private school that I went to, even though, frankly, it wasn't that great of an education. But I still loved it. I loved my teachers. I also had numerous priests sent to my school because it was in a poor neighborhood. And they are on the AG's list. So the bill that we moved forward today, LB25, Senator Linehan and I both agreed that the public schools should be held liable, just like the private schools. I don't agree with public dollars going to private education. We have a tax deduction for this, just like we have for people who want to donate to public schools. We have a tax deduction. This is giving more money to private education out of the taxpayer's revenues. It's a special carve out done through the Appropriations Committee. And I very much appreciate Senator Linehan's work on this. I do. And I understand what it is she wants to achieve here. We just disagree with the route. We're both looking at 2 maps arguing over which

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highway to take to the same destination, and we just can't come to an agreement on that highway. And I'm sorry for that. I genuinely am. But maybe 33 of you will agree with her on that highway, but the least you could do is have a respectful, actual debate in this body. Because what I just saw was so far beneath, so far beneath us. And you all sat here last week calling-- when we called the question on Senator Wayne's bill and threw an actual fit about it. And it was after numerous people spoke. I'm, I'm not trying to block the amendment. The amendment is here.

KELLY: One minute.

M. CAVANAUGH: That was never my intention. I'm just taking time. I'm taking this to cloture regardless of how you conduct yourselves on this floor, regardless of if you pay-- play petty games and call the question next, Senator Meyer. You're next in the queue. I am taking this the full amount of time. You can conduct yourselves however you want. I hope that you do right by the people of Nebraska and engage in a debate about education because this is really, really unbecoming and upsetting. So, we're going to be here for another hour and a half, at least. I guess do what you will. Thank you, Mr. President.

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

MEYER: Thank you, Mr. President. I've been in the queue for quite a while and kind of sitting here thinking what I was going to say. And I think after all the conversations, it should be clear in everybody's mind that the legal question is behind us. That's, that's no longer debatable if you've gone into this with a half-- halfway open mind. All the bills we listened to in, in Education Committee this year that came and asked for some kind of funding for teachers to attend either public or private school-- from both sides of the aisle, people, people were asking that question. So, that should be a settled question in, in everybody's mind. I want to do a-- just a little bit of, of simple math. And it's probably really rough. But we spent about \$100 million on the option enrollment program, and \$11,500 per student, which I think that's what the rate is now. That's just a little under 9,000 students that take advantage of that program. So carrying that forward to this year, if those students had to stay in their own school and we were going to give them base funding of \$3,000 times that 9,000 students, is \$27 million. So that means we're spending in the area of, oh, maybe \$73 million so that those kids have the option to go to a different school. I was on our local school board when this option program started. And first, it

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was just 1 or 2 students just because-- maybe they were closer to another district or the other school. I, I know it was sold on students from a smaller school would have more opportunities in music and science and band and art in a larger school, and that's kind of the way the program was sold. And needless to say, that has expanded. And there are really no limitations on the reasons that people give for wanting to options. And that's fine. That's, that's the way the program is. But \$73 million compared to \$10 million. And in my mind, we've carved out a small group of people that are not eligible for that. And, and we all know the reasons. They're-- according to the law, they're low-income people or low-income students that would like to go to another school that would give them better opportunities. And I just don't see why that's objectionable to anybody in this body. And from a 30,000-foot view-- you know, we've heard a lot of talk in this body and through the hearings. If, if we really want to make Nebraska a place where young families want to move to and have all kinds of opportunities when we're one of the few states that don't have some sort of voucher or option program to go to a private school, that might not look very favorable to a young family that wanted to move here for business, for family, for whatever. So not having this opportunity scholarship is definitely not-- if we didn't have it-- not a selling point for the good life of Nebraska. So, that's my 30,000-foot view. I support the bill and I support Senator Linehan's work on it. And at this time, I'd like to yield my time to Senator Linehan.

KELLY: Thank you, Senator Meyer. Senator Linehan, you have 1 minute, 22 seconds.

LINEHAN: Thank you, Mr. President. Would Senator Clements yield to a question?

KELLY: Senator Clements, would you yield?

CLEMENTS: Yes.

LINEHAN: Senator Clements, did you want to say something about the appropriations?

CLEMENTS: Yes. This bill came to Appropriations, but I did not include it in the budget. I told Senator Linehan this would have an A bill, like any--

KELLY: One minute.

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CLEMENTS: --like any other bill that has spending in it. This will have A bill with it, and it's not part of the budget. Thank you.

LINEHAN: But I did ask you to put it in the budget. Did I not?

CLEMENTS: We, we considered it.

LINEHAN: Yeah. I know. Thank you, Senator. No, he was right not to put it in the budget. So I think the point he's making, to claim that somehow this is out of regular order is not true. I mean, when I first got here, there were things in the budget that we didn't even know were in the budget because that's the way things used to kind of roll. That is not the way it is anymore. We know what's in the budget. The Appropriations Committee lists any bills they have in there and they say what they do. And the other point, that whatever the Appropriations Committee does this year means it's forever, that's not true. We change numbers in the appropriations up and down and out every year. We can do it-- we do most of it in the first year of the session, in the 90-day session, but we also do it in the 60-day session. So there's nothing underhanded about this.

KELLY: That's your time, Senator.

LINEHAN: Thank you.

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

CLERK: 23 ayes, 3 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Kauth, McKinney, Hunt, and Wayne, please return to the Chamber and record your presence. The house is under call. Senator Hunt, please return to the Chamber and record your presence. The house is under call. Senator Slama, we are missing Senator Hunt. How do you wish to proceed? Senator Holdcroft, you are recognized to speak.

HOLDCROFT: Question.

KELLY: The question-- do I see five hands? I do. The question has been called. The question is, shall debate cease? All those in favor vote-- and there's been a request for a roll call vote. Mr. Clerk.

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CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Blood voting no. Senator Bosn not voting. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt not voting. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad not voting. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting no. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Vote is 29 ayes, 10 nays, Mr. President, on the motion to cease debate.

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

M. CAVANAUGH: Real profiles in courage there, sending it back to the body after 1 person spoke this time instead of ruling it out of order. So we have had 2 motions voted on here and a total of the person opening and 1 senator speaking. We're doing great. Yet again, you are voting to take away the rights of your constituents to vote on their taxes. And you're doing it without talking about the bill at all. Saying the word "question" is not a debate. So I appreciated hearing Senator Meyer's perspective on the bill. And I would appreciate hearing other people's perspectives on the bill or the reconsider or the bracket motion or literally any of the work we are doing today. Because we are going to be here until 8-whatever, and you can get-- call question until you're blue in the face, and call of the house. And we can go on and on and on like this, or we can have a substantive debate about a substantive issue. But I am disappointed. And I am disappointed that the presiding officer refuses to take leadership and take control when he should. When he should. He should be ruling this out of order and not putting it to a vote of us. But also, you all should be debating. But we've got Senator von Gillern next, who will say question. Then we have Senator

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Armendariz, who will say question. Then we have Senator Day, who will probably talk about the bill. Then Senator Murman will say question. Then-- you know, that's about 40 minutes away, then another senator will get to talk about the bill. This is really excellent statesmanship. You're really-- you're giving the people-- the teachers that are here watching, the people that are watching at home, you're really making it worth their tax dollars to have us all here for somebody to say question every few minutes. We've got 3 days left. We can have a respectful debate about an important bill or we can play games. And I guess you all want to play games. So we'll play games, I guess. How much time do I have left, Mr. President?

KELLY: 2 minutes, 5 seconds.

M. CAVANAUGH: Thank you. Senator DeBoer, would you like any time to speak? Yes? I will yield my time to Senator DeBoer.

KELLY: 2 minutes-- 1 minute, 55 seconds, Senator DeBoer.

DeBOER: Thank you very much, Mr. President. I just got very much shocked by this microphone. So I wanted to explain kind of the procedural situation that we're in for some folks that may be wondering exactly what's going on. So we made a rules change last year in the middle of session that limited the number of these bracket and return to committee and IPP motions to 1 per stage of debate-- per day, was how we had it last time. And so, the first thing that everybody did was they went and filed these motions on their own bill. And the reason for that was then you could withdraw them--

KELLY: One minute.

DeBOER: --and there was never any actual IPP, bracket, or recommit to committee motions that you had to worry about. But obviously, that's not a particularly efficient way to go about doing business, where everybody's putting these motions on their own bills as kind of protective motions. I fully admit that I definitely thought of that immediately and encouraged people to do so. So, it's me. I'm the problem. But then this year, we changed it so that they can only be withdrawn with unanimous consent. The point was then it makes it unnecessary to file these on your own bills because exactly what will happen is what's happening right now. If folks would have wanted to file them themselves, but we're blocked from doing so because you filed them on your own bill, then they will just object and then

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they're able to do whatever conversation they wanted to have around those motions, so that there is still just 1--

KELLY: That's your time, Senator.

DeBOER: Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer and Cavanaugh. Members, the question is the motion to reconsider. All those in favor vote aye. And there's been a request for a roll call vote on the motion to reconsider. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt not voting. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad not voting. Senator Day voting yes. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe not voting. Senator Sanders voting no. Senator Slama voting no. Senator Vargas not voting. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne not voting. Senator Wishart voting-- Senator Wishart, I'm sorry? Not voting. Vote is 4 ayes, 31 nays, Mr. President, on the motion to reconsider.

KELLY: The motion to reconsider fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Linehan would move to recommit LB1402 to the Appropriations Committee.

KELLY: Senator Linehan, you are recognized to open.

LINEHAN: Whose turn is it now? I would like to withdraw that amendment. Aww, you got in front. That wasn't fair. OK.

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KELLY: There's been an objection. Senator Linehan, you're recognized to open.

LINEHAN: I realize that this is-- I know people want to stall getting to the amendment, but that is why people are calling the question. And I just want to say, when it first came up and we realized what was going on, I thought-- I didn't ask anybody. I thought it was appropriate to go through the queue until everybody had a chance to talk. And we did that. But now-- no, we did the first-- on the first motion like this. But now, we're going to run out of time, guys. So I'm all for everybody calling the question as soon as we can call the question. Thank you very much. Because we need to get to the amendment.

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

von GILLERN: Boy, the suspense is fun, isn't it? Senator Machaela Cavanaugh, I do have a lot of questions, but I'm not calling the question. I question why these tactics are being used tonight. I question why we aren't just taking an up-and-down vote. I question why there's a delay. I question-- sometimes I question why I'm even here. I, I know some of you do, too. I have a lot of questions, but I'm not calling the question. I am going to read from an email that I got that sums up a lot of the misinformation that's out there. And it's a fine line between misinformation and disinformation. And I guess I'm not sure which is which, but I'll just read portions of this email that, that came to me this week. It says: I've written many times regarding my support for public schools. Also, it's a fact that this state has underfunded our public schools for decades. I'm going to stop right there. That is true until last year. And if \$1.3 billion of funding put into public schools last year is underfunded, then she's right. When you move from the bottom 10 states in the nation for education funding into the middle and on our way to the top 10 states this year when another half billion dollars is applied to public education, yeah. These, these facts could be true, but they're not. As I hear often on the floor, you're entitled to your opinions. You're not entitled to your own facts. Going on in this email: We need an educated workforce to fuel our economy and be customers of our businesses. The failure of our business leaders and our elected officials last year was to abandon the support for public schools through their pressure on tax reduction. Last year, we got tax cuts done, we got property tax cuts done, we got income tax cuts done, all while increasing funding for public education. Email goes on to say: I do not begrudge \$0.01 I paid our public schools. And I

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don't either. I paid-- our kids went to private school for K through-- some K-6, some K-8. They went to public schools, thereafter. I never asked for, for anything. I don't begrudge what we do for public schools, but I believe that we need to do everything we can for every child to be in the right school that they need to be in to excel. Continuing on in this email: I don't know why you want to destroy public education in Nebraska. If we all invested in our public school systems, then we would all win. I guess my question is, how much more? \$1.3 billion last year. Half a billion this year. It's a pretty substantial investment. It will take us up to 8th in the nation for state funding for education. I get emails-- this really frustrates me, and forgive me. But I get emails from parents, families in Elkhorn and Millard, who are both part of my district, and Bennington, all high-performing districts, who just can't seem to understand why we should-- why we should have a scholarship program that helps out kids that are in the-- what did I read earlier-- 250% of poverty level, 180% of the poverty level? Why should we do that? I guess these parents can't possibly imagine being trapped in a school system where your kids can't excel. I just refuse to say that we should keep kids in a situation where they cannot succeed. And the matter isn't public versus private. Again, I mentioned my kids went to public and private schools. And we had an excellent experience in both. In fact, I, I gave a shout-out last year and I'm going to do it again. There was a teacher at Kiewit Middle School that just embraced my oldest daughter, Mrs. Butler. And she was awesome. She gave my oldest--

KELLY: One minute.

von GILLERN: --daughter-- thank you, Mr. President-- a safe place to hang out when she was going through hard things. And we're forever indebted to her because she made that transition successful and allowed our oldest daughter to succeed later on in her education because of that. And that was public-- that was at a public school. And I don't say that to be surprised. I say that to endorse that we have good public schools and we have good teachers. But again, it's not a fit for every family. It's not a fit for every child. And I think we need to do everything that we can for every child and not ignore the most impoverished kids who have the fewest choices. Thank you, Mr. President.

KELLY: Thank you, Senator von Gillern. 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.

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CLERK: 16 ayes, 4 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Day, Hardin, Bostar, Kauth, Hughes, and Wayne, please return to the Chamber and record your presence. The house is under call. Senator Slama, Senator Day is missing. How do you wish to proceed? We will proceed. Senator Armendariz, you are recognized to speak.

ARMENDARIZ: Thank you, Mr. President. Thank you, Senator Machaela Cavanaugh, for making sure everyone is here. This is my first time speaking on this, but I am a very passionate advocate to do something for these kids that have no option. We, as taxpayers, are obligated to educate our kids. I live in one of the school districts that have the lowest English and math proficiencies in the state and, arguably, across the country. It's very low. We don't have time to come up with other solutions. "I'm sorry, I don't know what those are" are not good answers. We're coming up with solutions to help these kids. And I am, quite frankly, in a panic for every third grader this year that hasn't learned to read. And we have people saying, sorry, I don't know what the solution is. It's way more dire and important than that. If you don't have a solution, let other people have solutions. Get out of the way and teach the kids. And if this fails and the voters don't think that we should offer opportunities to kids that our public schools aren't giving them, then we'll keep coming up with more ideas. But our obligation is to educate these kids. And anybody in here and anybody in this state that thinks English proficiency at 26% and below 20% in math is education, you'll have to come and tell me that that's education. Those kids deserve better. And we're tripping over ourselves over what school building they should be at? Educate them any way we can. This is their lives. And we all know, in third grade, if they don't know how to read, the statistics are there, what their future looks like. Shame on us as taxpayers that are not coming up with multiple ideas to get them to high proficiency by third grade and graduating with high proficiency in math and English. There is no excuse for that. And if we are arguing about what teachers can staff school buildings, we as taxpayers are obligated to educate our children. However we need to do that is what we should be doing. I'd like to yield the rest of my time to Senator Moser.

KELLY: Senator Moser, you have 1 minute, 50 seconds.

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MOSER: Thank you, Mr. President. Well, I was one that called the question, one of several. And I did it because we had procedural motions up there that were designed to-- or, we had procedural things done to waste time and to keep us from getting to the basic amendments that we need to make this bill right. This bill's going to go till cloture no matter what, no matter how many times we call the question. The, the question is, is whether we get around to the amendments that make this bill what it should be.

KELLY: One minute.

MOSER: If, if you ask people out in the public if they support aid to private schools, 57% of the people agree that that's a good thing. The petition that's out there has \$1 million behind it. And they've got 20-some thousand teachers that they've incorporated into the drive to try to stop the opportunity scholarships because they're worried about money going to private schools. If you're worried about your schools, don't be battling opportunity scholarships. Figure out how to teach the kids you got. If you can't teach them, let them go.

KELLY: Thank you, Senator Moser. I raise the call. Senator Day, you're recognized to speak.

DAY: Thank you, Mr. President. When I was on the mic earlier, I think maybe I misspoke when I said that I feel like we haven't come up with any solutions because there are several of us on the floor that stand up and talk about things that we know, based on research and data, affect a child's ability to get an education-- things like adverse childhood experiences, living in poverty. You know what else is an adverse childhood experience that affects a child's ability to get an education? Childhood sexual abuse, that we literally talked about this morning on the floor. Efforts to get families out of poverty, addressing the issues that we have with mass incarceration that affect family structures, that are another adverse childhood experience that affects a child's ability to get an education, none of you care about that stuff when we talk about it. So when we're talking about a child actually being able to get an effective education, we have to address the problem holistically, not just send money to private education. That is absolutely not the answer. And when we stand up and say, well, nobody else is coming up with any answers, so we should just do this. No. That's not how we write good policy. That's not how this place works. As for the procedural things that were-- that are going on tonight, I mean, I-- honestly, I don't mind. The Speaker made the decision to, to make controversial bills reach cloture after 4 hours. That gives us a shorter timeline to get

to amendments, essentially. It gives us, if we oppose a bill, a shorter timeline to filibuster a bill. Whether you're opposing or supporting a bill, we will use whatever strategies that we have at our disposal to either stop amendments from getting on or try to get to them faster. The side that supports the bill wants to get to the amendments faster, so they're calling the question. That's just their strategy. That's-- they can do that. That's part of the rules. Our side wants to try to keep the amendments off because we would like to stretch this as long as we possibly can. So, I think everybody is-- has the right to use whatever strategies that they have-- that they can within their power to do whatever they think is right with this bill. I have no problem with people calling the question or filibustering. That's just-- that's part of our job, right? Again, I rise in support of the recommit to committee motion. And I rise in opposition to LB1402. I think my primary opposition to this-- I have not supported bills like this in the past, but my primary opposition lies in the fact that we are just a few months away from allowing the voters of Nebraska to have their say in whether or not we allow programs like this in the state. And I-- while I would agree, yes, as lawmakers and policymakers we have a duty to educate our kids, I believe we also have a duty to allow the voters of Nebraska to have a say in how their government is run. And so I think that is-- my biggest problem with this bill is we're essentially jumping the line to try to get in the middle of that before the voters-- they've already spoken and told us that they want it on the ballot. But they're going to have an opportunity-- maybe I'm wrong. Maybe they do want it. We'll know in a few months. We have to let that happen. Passing LB1402 is essentially just saying, sorry, everybody. We made the decision on our own and we're going to shove it down your throats whether you like it or not. We're not going to do that. I'm not going to do that. I know-- how much time do I--

KELLY: One minute.

DAY: One minute. I would like to yield the rest of my time to Senator DeBoer.

KELLY: Senator DeBoer, you have 52 seconds.

DeBOER: All right. I'll be quick if I can. So my point that I was making the last time on the mic is that these priority motions that we have after the change at the beginning of this year, in order to correct the kind of mess we made last year with having them all as sort of preventative motions, we changed it. This is the first time I think that rule has been put into play, so that's, I think, why

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everyone was kind of caught off guard. But the moral of the story is don't file these motions on your own bill anymore unless you anticipate wanting to have them objected to if you think that might happen. So that's just sort of-- the moral of the story is that it doesn't, it doesn't work like it did last year. Understanding it's nobody's fault for, you know, doing that this year. I also have played into this call the question thing. So I--

KELLY: That's your time. 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: 22 ayes, 2 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Halloran, please re-- all unexcused members are now present. Senator Murman, you're recognized to speak.

MURMAN: Question.

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

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn not voting. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt not voting. Senator Brewer voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad not voting. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator

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Raybould. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas not voting. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Vote is 29 ayes, 3 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator Linehan, you're recognized to close on the recommit.

LINEHAN: Thank you, Mr. President. I would appreciate your red vote on the recommit to committee. Thank you.

KELLY: Thank you, Senator Linehan. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day voting yes. Senator DeBoer voting yes. Senator, Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senior Vargas voting no. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne not voting. Senator Wishart not voting. Vote is 7 ayes, 34 nays, Mr. President, on the motion to recommit.

KELLY: The motion to recommit fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote taken on MO1188 with MO1385.

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

M. CAVANAUGH: Thank you, Mr. President. Just to clarify on what Senator Day said, she's absolutely right. You should use whatever

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tools are available to you. I just think that we should have at least 1 person get to speak on a motion or an action before we call the question and vote. Just 1. I know that's a lot to ask sometimes, but even 1 is good. With that, I'd like to yield the remainder of my time to Senator DeBoer.

KELLY: Thank you, Senator Cavanaugh. Senator DeBoer, you have 9 minutes, 32 seconds.

DeBOER: 9 minutes, 32 seconds. Amazing, instead of just 50 here and 45 there. OK. So let me just say what I was trying to say but I kept getting cut off just so I can have said it and be done saying it. The way these priority motions are structured now-- last year, it was if you filed them on your own bill, it was smart. This year, if you filed them on your own bill, it has little effect except it does what we've seen here tonight. So that allows the priority motions to still work if the body wants to use them at any point. But it does mean that in future, if you're in the body after the next 3 days, don't file priority motions on your own bills because it does not help you to get done what it is you're trying to do. So that being said, that puts to rest, I hope, the priority motion side of things and why we're objecting and how that all came to pass. Then we turn to the next question, which is calling the question, which, prior to about a week ago, I was a total call-the-question purist. When I first came in here, the idea was the question, if you called it, would not be sort of granted, that we didn't cut off debate on an issue unless everybody who hadn't had a chance to speak on that issue yet-- like, there was nobody that was new in the queue. So the question wouldn't go forward after 1 person if there were 17 other people in the queue that hadn't spoken on that issue. Over time, we have sort of shifted our thinking on that. And I admit that I called the question after 1 or 2 people 1 time last week. I have felt bad about it, if it makes you feel better. And Senator Albrecht called me out on that, and she said that we weren't able to have a conversation about it. And so then I felt really bad about it, and I stopped doing it. But that is the problem with calling the question. It, it isn't a, a matter of rules. It is a matter of-- I don't know. People want to talk about things, and calling the question and calling the house and all of that is kind of disruptive to the flow of debate. And so, that's 1 reason why I think folks don't like to do that. On the other hand, if you're trying to get through all these motions, if you're trying to get through all of this stuff, your way to do that-- your path to do that is to continue to call the question. It's just a thing we do. And I'm trying not to attach any moral value to it anymore, now that I, too, have been corrupted into doing it, I guess. So I do think

it's probably better for everyone if we let a couple of people talk about an issue if you think that issue is something that, that people want to debate, but I totally understand calling the question as well. So here we are. And again, I'm not a purist anymore, as I used to be, because I did it last week. And, you know, sometimes we get caught up in what we're doing here and we kind of get ahead of ourselves. So my understanding is, now, where we're at procedurally is we are on the third of the 3 priority motions, it having been objected to, to withdraw, and then been quickly debated. It failed. And then now we're on the reconsideration motion, which is what Senator Cavanaugh is opening in. Despite popular belief, Senator Cavanaugh and I are not the same person. I am, in fact, the other one. So, while I am opening for her, I am not her. I suspect she would say something to the effect of, please reconsider your previous vote so that we could recommit this bill to committee, because she thinks maybe it should go back to committee. And maybe it would-- I mean, at this point in the session, that is a death sentence. Let's just be honest. So I'll stop trying to talk about what Senator Machaela Cavanaugh might say about her reconsideration motion because I really don't want to confuse people further about our identity. And I will talk about the bill, which is that I genuinely am against the bill. I think there have been some good speeches that have given me pause and made me think about, you know, how do we fix the problems that truly exist? I think we do understand that some kids in some places are having trouble in school. I don't think that's particularly a new problem. But I do think that there are kids who are having troubles in schools. At the same time, like, I, I will stand up for OPS because I think that's who kind of gets beat up the most. Like, they have I think it's, like, 43 languages they teach kids-- that speak 43 different languages. That's a whole lot of languages. And they have a whole lot of kids. And they're doing it in the middle of a teacher shortage at the end of a pandemic. I taught for 16 years at the college level. And I can tell you the first time I taught after the pandemic a couple years back, it was shocking to me the difference in the kids. And this is on the college level. I can't imagine what grade school kids are like after that. It was a disruption, and there was a difference. Kids had different ways of interacting with the teachers, with the rest of the class, with the information which was presented to them. I think our public schools are doing a pretty good job in the face of some pretty difficult things. I'm a product of public schools. I think I did all right for myself through public schools. I know a lot of people who got a really good education out of public schools. So I don't think there's-- I, I just-- I object strenuously to the argument that there

is a inherent advantage to a private school. I don't think there's an inherent advantage to a private school. Private schools are different. My brother teaches at a private school. My sister-in-law teaches at a private school. There are very good private schools. I'm-- I think that's great. No problem with them. I don't think we should be paying for them with public dollars, but I think they're great. I also don't think that they are inherently better, just as a general premise. I think that they can, in some instances, be very, very good. They might even be better. In some instances, they may not be quite as good. For certain kids, they might be the right thing. For certain kids, they might not. I don't, I don't-- I just don't hold to the premise that they are automatically better, that if there's a problem a kid is having, it's because they're going to a public school instead of a private school. I, I just don't hold to that premise. I think there are a lot of really fantastic public school teachers. I think there are a lot of really fantastic private school teachers. And I think there are a lot of difficulties that kids might have that might make it difficult for them to learn, or they don't-- for whatever reason, they don't have the kind of support they need at home. And so, it's difficult for them to learn.

KELLY: One minute.

DeBOER: Thank you, Mr. President. I think that it is important. I would encourage folks to, with their private dollars, donate money to these scholarship-granting organizations that are the private scholarship-granting organizations that use private money. I encourage you all to donate to them. I think that is the proper way to go about this, to use your charitable donations to try to help the people that are going through these schools that need to get into the private schools or that want to. I think that's a good use of your time and your money. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Sorry about that. Good evening, colleagues. Good evening, Nebraskans. So I don't think my position on this is going to be a surprise to anyone. I rise opposed to LB1402. You know, it's funny. I was, I was trying to think about what I was going to say on this. And I've been listening to the, the debate. I've been actually kind of watching with curiosity, all of the procedural things that have been going on. And I sort of joked to Senator Slama-- she's sort of coordinating and organizing quite a bit. And I, I started to kind of reflect on and think about how-- and

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I know it's too early to sort of start doing goodbye speeches, but thinking about all those who are leaving us this year. And that's going to be kind of hard. And, you know, of course, Senator Slama won't be with us next year. And Senator Linehan as well, who is the introducer of this bill. And I will-- I'm absolutely going to miss her, as well. I've grown to really admire her as a, as a senator in here. So, I'm going to speak briefly a little bit about-- so one thing that I think it's kind of been touched on or hinted on a little bit here is sort of what I understand to be the kind of history behind what made LB1402 come to be. And I-- again, I could be incorrect here, but I almost see LB1402 as a response to LB753. And so, you know, this was a bill that we passed last year. It was signed into law. So LB753 is the law of the land. And I think it's hard to interpret LB1402 as anything but a-- you know, a way that is looking to get around the referendum that is going to be on the ballot in November. And you know, I think looking at this not so much on the argument of what the bill does or what it doesn't do but kind of almost this larger precedent I think that we need to consider as a legislative body is, you know, should we pass LB1402 into law, what is to prevent a senator at any time in the future from modeling this language or inserting such language into any bill to sort of insulate or protect it from this check and balance that we have in the Nebraska Constitution, with the, with the referendum? I don't know that we should be working to undermine the foundations of representative democracy in that way. I also know that it's not an either/or here. And this is-- I know there's a lot of nuance to education. There's a lot to be said about public schooling, private schooling. And I, I, I always hate when it's almost like a private school versus public school conversation. I think that we need to look at our entire education offerings in our state as a comprehensive offering that we have for Nebraskans. And I also just want to make a global point about our public school system in general because I think sometimes it's easy to forget, especially in this national narrative where we have been seeing a lot of critique of the public education system nationwide. We are incredibly, incredibly fortunate with our schools here in Nebraska. I lived in New York for 15 years. I can tell you for sure, you know, especially with other Nebraskans that I knew out there, a number of them, including myself and my family moved back to Nebraska partially because of our, our public education system here. So, you know, we, we have a really strong, strong education system here. And I also want to be really clear about my stance on supporting ways to lift up--

KELLY: One minute.

FREDRICKSON: Thank you, Mr. President-- ways to lift up students, ways to provide for opportunity. I say this all the time. There is nothing in law that prohibits or prevents anyone from forming a scholarship. So if this is in fact something that folks feel passionate about, there are opportunities to create scholarship funds. There are opportunities to donate to scholarship funds. My husband and I did this ourselves. We, we created a scholarship. So all of the things that we're looking to achieve, whether it's through LB753, LB1402, these can be achieved with the law as it currently stands. There's nothing that prohibits individuals, donors, organizations to set up funds, to set up scholarships, to create these opportunities that we're all speaking about. And I'm getting that look, so I know it's my time. So thank you, Mr. President.

KELLY: Thank you. Senator. Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. Yeah, it is amazing. And I actually forgot about that, which I feel terrible about, that Senator Fredrickson and his husband literally set up a scholarship-granting organization to serve LGBTQ youth in Nebraska. And, folks, that's the way to do it. And he doesn't come to the Legislature with his hand out and say, give us \$10 million because we're going to export our values with taxpayer dollars into the kids of Nebraska. And that's exactly what LB1402 is doing. Many of you are talking about proficiency scores in public schools, but yet you're willing to give this money to schools that don't have the same accountabilities, don't have the same transparency, or the same testing requirements as public schools. So it's apples and oranges because we have no way of knowing if we are really helping these kids by giving money to schools that have no accountability. The money is going to be going to more than just accredited schools. The money will go to approved schools that do not have the same standards or regulations or requirements as our public schools do, and that should be a problem for every lawmaker and every Nebraskan who wants to make sure that these kids are getting educated. The teachers in approved schools for this money aren't required to have the same level of credentials as accredited or public schools. They do require, quote unquote, certified teachers, but they don't have the same credentialing requirements. My issue in addition to that is just simply the taxpayer funding of private organizations that discriminate. I did a tour of some private schools around Nebraska a couple of years ago with Senator Linehan and some other senators. And I asked the superintendent point blank, do you allow gay kids in your school? Do you allow gay staff or teachers in your school? And he gave me this roundabout "no" answer that was very political. And it was like, we

hope that people make the choice to turn away from sin so they can be eligible for our program. You know, it was, it was a no. It was a no. And he said that to my face, which, good on him. But why would we be putting taxpayer funding into not just private organizations that don't serve every child but that actually discriminate against them? This bill uses public funds to benefit private schools that discriminate against gay people on purpose. So talk about parental choice-- the same people who are talking about parental rights in here around this bill. First of all, you can send your kids to private schools if you want to already, period. There are already scholarships and programs that exist to help you send your kids to these schools, period. The Catholic Church is raising money every Sunday to get butts in their seats and bodies in their schools, period. And they don't need government help to get that done. Fundamental family rights, the rights of parents, are already well-established in Nebraska and respected by everybody. And that's not what this bill is about. This bill is giving public funds to schools that discriminate, full stop. And legislators like the ones pushing LB1402, they don't trust parents. They already don't trust parents. They, they think, you know, sex education is hurting kids. They don't trust parents to opt out, which they have the opportunity to do. They want to end access to accurate information through stopping sex education in our schools. Think about the parents of trans kids in Nebraska. Legislators don't respect their rights. They're using choice language to market this bill, to market this concept, but they don't support the choice of people to make personal decisions for themselves, to make personal medical decisions for themselves, only the choice to use public funds to send kids to Catholic school where they can be discriminated against. This is about getting a foot in the door--

KELLY: One minute.

HUNT: Thank you, Mr. President. This is about getting a foot in the door to chip away at public education, to take a shot at teachers' unions and public employees because they don't like them politically. If that wasn't the case, otherwise we'd just fund the schools. Take the \$10 million and give it to schools. Or if it's really about the kids, give it to the kids. Let's do a UBI for the kids, a universal basic income for the kids. And then parents can use that money to help with their kids' education or their housing or their food or whatever it is that they actually need, instead of giving a giveaway to the Catholic Church sanctioned by the state. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. I was listening to the comments earlier this evening about, you know, poor kids can't read or poverty is 1 reason why they can't read. And I remember very distinctly, it was probably '17 or '18. Senator Pansing-- Patty Pansing Brooks and Senator Linehan had traveled the state and visited, visited a lot of schools. And I remember one of the conversations I had with Senator Linehan was that, in Lexington, they probably have more poverty in their school than any school in the state and their reading scores were outstanding. So when I hear the comment that poor people-- or, poor kids can't read, it's not true. It's not true. If they're taught, they can read. That's the issue we have. And I think Senator Armendariz did an outstanding job of explaining what our obligation is and what we should do. And so, in light of what's happening about what I'm-- what I'm about to do now is going to surprise several people. I'm going to yield the rest of my time to, to Senator Machaela Cavanaugh. Thank you.

KELLY: Thank you, Senator Erdman, Senator Machaela Cavanaugh, you have 3 minutes, 42 seconds.

M. CAVANAUGH: Dun dun dun. What's happening? Thank you, Senator Erdman. Thank you, Mr. President. Colleagues, I genuinely think that Senator Linehan should have a good faith debate on her bill. And instead of wasting 15 minutes on procedural things when we could spend the next 30 minutes debating her amendment that we're going to get to regardless, I would like to withdraw my motion to recommit to com-- or, to reconsider the recommit to committee so we can move on to the next thing. Thank you, Mr. President.

KELLY: Without objection. So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Linehan, I have AM3016, with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Linehan would move to amend with AM3431.

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

LINEHAN: Thank you, Mr. President. And thank you all for hanging in here tonight, everybody. And I do appreciate the debate. I do feel--

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and I hope you understand this. I feel like we've been debating this for 7 years. So-- but there's new people. People left. New people came. So this is what the amendment does. It is somewhat similar to LB753 that we passed last year. But there are some differences. And part of these differences are from finding out things as people and students actually ask about getting a scholarship. So as I handed this out earlier, if you still have it on your desk. We've had 2,500 students who have voiced an interest. We are-- they're going through those. They expect they're going to hand out over 1,000 scholarships by the end of April. And some of the things we found out going through this is you have people in the military who are coming to Offutt-- they're going to be reassigned to Offutt. And they have called and wanting to know what the programs are in Nebraska versus Iowa. We know what Iowa does. So right now, those children might not be eligible the way the bill was written last year. We'd like to make them eligible, so people coming-- they'll live in Omaha versus living in Iowa. The biggest-- we also change it from going to-- it's no longer, no longer a tax credit, right? So the money comes from the state, so it's going to go through the State Treasurer. So that's a difference. So the Treasurer will decide who is going to manage the programs. He can pick up-- he or she can pick up to 3 different groups to manage the programs. Something-- think about, like, the 529 college savings plans. The Treasurer is in control of that, and does a good job. And as you all know, I'm very fond of the current Treasurer, so I trust him completely. To be eligible to be a student, the student must be a first-time scholarship recipient entering kindergarten, ninth grade, or the first entry level of a qualified school. Another issue we ran into: some schools start at sixth grade-- Grand Island Catholic, for instance. They don't have a kindergarten. They don't start in ninth grade, so they start in sixth grade. I think there's a Lutheran school here in Lincoln that starts at seventh grade. So we, we changed it to not a specific grade, but-- well, it's a specific grade, but when that school starts, when you can first go to that school. It's transferring-- again, it has to be transfer kids from public to private. It covered-- it touched on this-- child of active duty military transferring to Nebraska. And this is important and it's confusing, so==-- also in the first priorities here, are students who received a scholarship this next year. So if they're going to receive a scholarship through the tax credit, through LB753 that we passed last year, then they should be in a first priority for the next year so you're not pulling kids in and then they have to leave because there's no scholarship. Now, there will be limits if some miracle happens and their family can-- no longer is in a financial situation where they need money, then

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they would no longer qualify. Second priority is students in a family with income under 185% federal poverty, students denied option enrollments-- and one thing, then-- and Senator Cavanaugh brought this up. I think-- and somebody wave at me if I'm wrong. I think, in a bill that we passed-- Senator Murman, could you yield to a question?

KELLY: Senator Murman, would you yield?

MURMAN: Yes.

LINEHAN: And I'm sorry. I didn't give you a heads-up. But on the option enrollment up till this year, you could only opt in to a school once, right? You couldn't opt-- but this year, we've changed that, so you can do it once in elementary-- this is public option-- once in elementary, once in junior high, and once in high school?

MURMAN: That's correct.

LINEHAN: OK. So we've improved the public option, too, in the Education Committee this year. The third priority is just above free and reduced lunch but not above CHIP. So CHIP is 213% of poverty level. The scholarships can only be used to cover the cost to educate a student. Scholarships are not-- this is important to remember-- scholarships are not to exceed 75% of the statewide spending per student. So these scholarships, through the State Treasurers, through these organizations can't go above-- average, you can't go above 75% of a student in public school, our average costs. And you all know that because that's important in TEEOSA in how we figure that out. The Treasurer shall also submit reports to the Governor and the Legislature about students applying for scholarships, the demographic statistics, geographic location, and total amount of scholarships given for each year. So the Legislature will get that report, and they can watch it, and can see if there's something that's not working the way it should. The Treasurer is allowed to use 7.5% of the funds for administrative expenses. And any program managers who the Treasurer decides to use, their, their organizations will be capped at 7.5% of the funding they receive for any overhead. The amendment also sunsets the Opportunity Scholarship Act in the fall of this year. Lastly, I want to remind you, the colleagues in Nebraska, that these scholarships are designed to help our most needy kids. These are children who don't have options. Their parents can't decide to move from I don't know where to Elkhorn or to Norris or to Lincoln or to just move inside the school district they're in into the elementary school they want to go to. These are kids who-- whose

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parents don't have the wherewithal maybe to drive them across town to a different public school. I would ask for your green vote on LB1402 and AM3431 and committee AM2679. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Returning to the queue. Senator Walz, you're recognized to speak.

WALZ: Thank you, Mr. President. I will be present, not voting on this bill, but probably with a different perspective than what we've heard today. My husband and I chose to send our kids to Catholic school, and the number 1 reason we did was to give them a Christian education. It wasn't academics. It wasn't athletics. It was to provide them with a Christian education. We chose to each work a couple jobs. I taught and I sold real estate. My husband worked 2 full-time jobs, 5 a.m. to 2 p.m. at the radio station and 4 p.m. to midnight at Valmont. We were very, very involved in the school through volunteering and fundraising efforts, especially the campaign to build a brand new elementary school. I sat on the school board, making decisions on how we can increase recruitment efforts and how we can continue to fund our school while maintaining the Christian atmosphere and uniqueness of that school. My concern with LB1402 is the way we're looking at how we fund public-- public schools and the unintended consequences that could very likely affect our private schools. And I just wanted to be able to stand up and talk about those concerns and my perspective on this. First of all, I worry about when and in what ways private schools will be held accountable for their use of public funds. At some point, it's likely that public, public funding will come with strings attached, such as government regulations and oversight, which would restrict the autonomy and flexibility private schools have, including the religious freedoms. That's a really big concern for me. Secondly, accepting public funds may lead to increased pressure to conform to standardized testing and curriculum requirements, potentially compromising-- compromising the unique educational philosophies, including Christian-based approaches to curriculum. I've talked to a lot of community members who are opposed to the scholarships. There are many parishioners and community donors who objected to public funds being used to support schools, and how would that affect future donations? A big concern I have is how public funding to private schools may create a dependence on government resources, making private schools vulnerable to changes in funding levels or policies that could negatively affect or impact their financial stability. We have seen the ups and downs of public school funding, and what would that do to a private school? Lastly, I'm worried about the competition for public funds and how that could create division in

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our private schools, mainly our Christian schools. I do think that there's a way to fund private education. I think there's a better way to look at how we provide funding to private schools-- through grants that we can make available to schools. I hate the division that this causes. The last thing that we need to do is be divided on how we educate our kids, as if we all don't have other barriers to worry about.

KELLY: One minute.

WALZ: Poverty, bullying, curriculum, teacher shortage, safety, school funding, food insecurities, the list goes on and on. There's got to be a way for us to balance how we help private schools continue to thrive without compromising the intent-- the original and thoughtful intent and the atmosphere of a private school. Thank you, Mr. President.

KELLY: Thank you, Senator Walz. Senator Linehan, you're recognized to speak. Senator Linehan, you are recognized to speak.

LINEHAN: Thank you, Mr. President. I would like to yield my time to Senator Wayne.

KELLY: Senator Wayne, you have 4 minutes, 38 seconds.

WAYNE: Thank you, Mr. President. And thank you, Senator Linehan. I won't go through the journey I got to where I am today because I've said it many times. But when it comes to education, there are 2 principal, I guess you can say, quotes that I live by. And I text somebody this the other night when talking about this bill. I fundamentally believe that every child should have access to a high-quality education, not by chance, not by privilege, but by right. Not the chance that you might get into a school that works for you, not by the privilege that you can afford a school that works for your child, but by right. The other quote I follow when I think about anything dealing with schools is the one by Frederick Douglass that says, education is the passport to the future. For tomorrow belongs to the people who prepare for it today. And if you think about this, there's been-- there's never been more truth to that statement than it is today, that when you are dealing in a world where education and knowledge and the ability to know things as your marketable skill, is so important for every child. Now people say, well, Justin, you went to a public school. I did. I am a proud Omaha Public School product. I went to Hartman Elementary, Horace Mann, and Northwest High School. But I was grateful to fall into classes where I had high

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expectations, where I had mentors outside of the public school system. But not everybody has those same opportunities. But during my time of growing up in these public schools, it didn't-- it wasn't lost on me that I also saw the other side of a public school system, a public school system that didn't offer the same opportunities for everybody else, a public school system where many kids are trapped, literally trapped. I brought a bill every year to give more school funding, because I believe in school funding. But I also believe in every kid having the opportunity to find the best match for them. I could go on and talk about all the problems in the public school system, but that, that doesn't solve anything. I believe in solutions. I sat here today and took a chance and, and almost lost a bill that I felt helps young people in certain situations. And you expect me, and some of my colleagues are expected, to ignore the same principle behind that vote, which was to provide protection and support for children. This is not a bash on public schools. In fact, this argument is never brought up when we have millions going to train teachers. This argument is never brought up when we have millions going to private daycares and millions in scholarships going to colleges-- to private institutions. It's only brought up K-12. But colleagues, my district can't--

KELLY: One minute.

WAYNE: --hope that things will get better tomorrow. We've been saying that for the last 8 years. We pass bills and school districts refuse to implement. So my community can't wait another generation of hope for their children to have a high-quality education. Those parents are reaching out and trying to figure out what is best. We have waiting lists at Jesuit Middle School. We have waiting lists at Nelson Mandela. Those are private schools. People are looking for an alternative. And if we care about kids, if we say we want what's best for kids, then get rid of the politics of it and let's just give them a chance. Let's give their family a chance, a chance that every mother and father is wanting for their kid: a better opportunity.

KELLY: That's your time, Senator.

WAYNE: Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I stand in favor of AM3431 and LB1402. I wanted to speak about some of the benefits this has in it.

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We authorized \$25 million in tax credits last year for those who donate scholarships to private schools in the state. Those tax credits put money into scholarships to allow low-income families-- primarily low-income families, and a few other situations to attend a school that they-- that may better meet their student needs. But this change we're talking about today isn't unique in America. States all across the country have been on the cutting edge of this idea for years, far more than what we're doing. And they've some clear results that we need to learn from. Most of all, school choice is a, a massive savings for the state overall and a benefit. One study looked at 40 educational choice programs around the country. For 80% of those programs, the state spent less than half the money per student than they would have spent on just public school students. For more than half of the states studied, their choice programs cost less than 1/3 the public school cost. Taken over the lifetime of those programs to date, the numbers are enormous. This study estimated that a total per student savings between \$3,300 and \$7,500 per participant. We've been sending more money into a system that has not shown significant improvement in many school districts. School choice offers another benefit that many of us have seen in our own lives: competition. Take gas prices, for instance. When gas prices rise, we become more aware of what stations are charging and we're more attuned to finding the lowest price. When inflation from Washington sent grocery prices up, we noticed. And many of us explored lower price options. It's time to do the same thing with our schools. Increased competition leads to better outcomes and lower costs for all schools, and it delivers more accountability to the school system as a whole. In 2023, 10 more states passed universal or near universal private school choice either in the form of education savings accounts, voucher programs, or tax credits. Arizona, Utah, Oklahoma, Iowa, Arkansas, Indiana, Ohio, Florida, West Virginia, and North Carolina all made a decision that's going to pay off in their states, for them and their students. I believe it's time for us to do the same by passing this, LB1402. Then if you look in the, the amendment, it also shows that fiscal year '25 is going to be reduced to a \$10 million appropriation. And then it says intent, that says \$10 million will be-- the intent of the Legislature to allocate \$10 million each year thereafter. Intent language is not binding. And I just-- I think there's been some discussion about this being a forever obligation. And so, it's-- the \$25 million that was previously in the scholarship program, this is reducing it to \$10 million, which would be a \$15 million savings, which I support. I would yield the rest of my time to Senator Linehan.

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KELLY: Thank you, Senator Clements. Senator Linehan, you have 23 seconds.

LINEHAN: That's just enough time to thank Senator Clements. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan and Clements. Senator Vargas, you're recognized to speak.

VARGAS: You only gave her 23 seconds? Sorry. It's getting to the time, and it's getting late. I, I rise in, in opposition of the amendments. I do appreciate the work done by Senator Linehan to, I would say, find compromise on, on the amendment language. And I was one of the no votes in committee-- in Appropriations, and I'll explain that. You know, part of the reason is, and I've had this conversation many times with Senator Clements. I've had this conversation many times with Senator Dorn, with Senator Dover, for consistency, which is, I've really-- for the most part, really questioned how we spend our resources and what our main priorities are for all of our bills, in particular, bills both in the Appropriations Committee that were in the budget and bills that aren't. My main opposition comes from-- I still believe that, one, there was a priority for this passing previously, and we have credits out there. And, and doing this is, is a General Fund obligation and is new funding on the green sheet that will obligate us into the future and will be more funds. And there are other things that are A bills. And I encourage you to read the green sheet. If we passed everything that's currently on Select or Final Reading, it will put us in negative \$100 million-plus on the green sheet. I'm looking at Senator Dorn because he has really been flagging this for us for, for a couple of weeks now. And the second reason why I'm opposed to it is because-- not because it passed last year. It's because it's, it's happening. I do appreciate the update on, on the program from Senator Linehan. It's that I do believe it should be left up to the voters. If they decide that it's the right thing, then it's a different story. And then it could be continued and it'll still continue to grow. And if they decide it's not the right thing and they, they vote against it, then-- well, then that's the answer there. And somebody could bring a bill to reinstate it in a different form, similar to what Senator Linehan is doing. So I do not fault Senator Linehan or the debate. I think, similarly, people can use procedural tools to, to filibuster. I am speaking against it primarily-- this is my first time and will be my only time-- because I do believe that I wanted people to know exactly why I'm, I'm not in support of the bill, both for the fiscal reasons-- in the future, we will be obligated-- this,

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this did go through Appropriations. It didn't go through a nefarious way. And I know some people got on the mic and said, this shouldn't have been going to Appropriations. But Senator Clements did treat this correctly. It got kicked out separately from the budget. So technically, it is not intent language. It, it would be statutory language. And that statutory language does bind future Legislatures. And I was just double-checking. So it would require us in the future years to, to fund. And it is a call to action for our future Appropriations Committee. It-- it's nothing right or wrong, that when we are competing priorities for funding in future years, especially the end of 2027, when we're expected to have about \$23 million right now, if we take no action at that time, this will be an obligation that we have to fund. And the question is, when there's requests either for a increase in the funding to this or other priorities like childcare or housing or mental health funding or any of the other bills, economic development, are we really weighing what are the main priorities for the state? Are we really weighing what are some of the most immediate needs for the state? It's not a judgment on whether or not it is or is not the right policy decision because that debate happened last year and persevered in Senator Linehan's bill passing.

KELLY: One minute.

VARGAS: The question is still whether or not the voters get to decide and make a, a stance on the bill itself. So I don't fault anybody for bringing a bill. Senator Linehan brought the bill. It came to Appropriations. We kicked it out separately because it's not a budget bill on its own. It is actually statutory language. And it got kicked out. We're debating it. So there's nothing wrong with that, in the same way there's nothing wrong with any of the, the procedural motions in the past or present. And I just wanted to make sure that was really, really clear. Because a future Appropriations Committee will have to look at how we budget. And each of the priorities, including this one if it were to pass, when it's competing with other things. And bear in mind, in-- my work in the past has been-- I still believe we need to hold the public school districts more accountable. We need way more transparency. We need way more accountability. We need way more oversight. And that is both on teacher level, principal level. I've worked on that kind of legislation. I don't get to [INAUDIBLE]--

KELLY: That's your time, Senator.

VARGAS: Thank you very much.

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KELLY: Thank you. Senator Vargas. Senator Dover, you are recognized to speak.

DOVER: Thank you. I [INAUDIBLE] a little older, because I'm thinking back and it's shy of half a century ago. But I remember when I was in Norfolk as a teenager and met a kid that was from north Omaha. And he'd been sitting up to stay with his grandparents for a while. I think he had probably gotten in a little bit of trouble down there and they thought it's just good to get him out on the farm and stuff. And I, I met him-- I think if-- if you guys remember what a kegger was, I met him at a kegger and-- I see a few nod heads. I see Senator Lowe nodding his head and smiling. And that's back when the State Patrol would catch you and then take your beer and go home and drink it. But that was long-- those days are long gone. But I met a kid, and his name was Danny. And invited me to come-- you know, eventually, he moved back down to Omaha-- invited me to come visit, and I did. And met one of his friends. I never did really ever learn his real name. They just called him "Smiles." And told me about what their school was like. And I was kind of at a shock coming from Norfolk to north Omaha, and that was close to 50 years ago. And I keep hearing, you know, give us some more time. We'll find a solution and all these kind of things. But I'm telling you the-- from my understand, north Omaha, the public schools aren't any better. And that was half of a century ago almost. And I don't know how much more money or how much time we can afford to, to give them. I do know that there are some other private school solutions are-- that work quite well for them. I don't know if-- I, I have a funny feeling. I don't if know Danny or Smiles would still be around today to tell you through-- tell you that-- just because of the lifestyle that, that was going on down there at the time. And, you know, there's people-- there's both sides of this position. And I was talking to some people that are going to vote against this this evening. And I asked them, during the last time we went-- going over Linehan's bill. And last session, I said, you know, tell me, isn't-- if we pass this bill, would this save lives in north Omaha? And both of them reacted the same way. They said, you know, no. We don't need to spend money here. We need to-- I go, no, no no. Stop, stop, stop. I just wanted to hear a yes or no. I just want to hear if it's going to save lives. And then they went-- both went again, well, you know, we need to spend the money here and not do this. And I said, stop. I just want a yes or no. I want to say this. They'll be voting probably no on this tonight. But one said no; but one said yes. So we're here voting on this. And we can talk about education and everything, but I'm telling you one thing: this will save-- if we pass this, this will save lives

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in north Omaha. It will keep kids from maybe getting into a gang, getting shot, or, or ending up in prison, or both. I don't know. But this, this, this vote tonight, it's much, much more serious than just education. This is about giving kids an alternative, really, to crime and, and going to prison. I hear people talk about prison and all these other kind of things. I just wish that some would vote for the kids tonight. And one thing I, I just want to say, I, I resent some discussion that was made today and that was made yesterday. When I hear people say, you people, we're talking about one side. And also, I'm going to tell you something. If you have watched my votes, I don't, I don't-- I supported Senator Wayne's bill. I mean, I was one of the votes that helped made that happen. I know some of the people in this room probably are up-- upset with me, but that's OK because I, I do take the freedom. I try to vote what I think is best for kids. And I'd just like to ask some of you that may be considering voting no on this just to consider to vote what's best for the kids. Thank you.

KELLY: Thank you, Senator Dover. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand opposed to both the amendments and the underlying bill for the same reason as always, because I believe public funds belong in public schools. And I want to remind everybody tonight that we're not voting about the kids tonight. That vote has happened over and over and over again. We're, we're debating tonight about what's going to happen in November. Ballot initiatives, again, are a form of direct democracy. This upcoming November, we are empowering Nebraska voters to use their voices on existing legislation. We are being a part of history. So I want you to think about this, please. You can be present, not voting. In November, we allow Nebraska citizens the ability to have a direct say in our legislative process. That is powerful. In November, this ballot initiative promotes greater citizen participation in the democratic process. Powerful. In November, these voters are being given another tool that can be used to hold their representatives, us, accountable. And they show that in the, the ballot initiative drive. In November, some voters will have the opportunity to stop laws that are supposed to-- that are supported by voters-- excuse me. In November, some voters will have the opportunity to stop laws that are supported by voters but opposed by politicians. In November, Nebraska voters get to bypass the normal legislative process, which is often controlled by majority parties and special interests. I'm asking you, honor their voices, honor their votes. Be PNV tonight. Let the process move forward. The debate

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is about November. The debate is about the people who took the petitions to the streets, the people who put their names on those petitions-- some for, some against-- but it's about the people. We've debated this year after year after year. It was time to take it to the ballot. It was time for November. We have got to let the people vote. We have got to support democracy. We have let too much of what we do in this Legislature fall to partisan preferences and to special interest. And I do believe that these bills have had great influence from outside sources, from out of state. Some that you agree with, some that I do not agree with. If you are not willing to respect the process that the voters have put in place for us to vote on in November, then why are you here? Why are you here? Are you here to vote as one unit regardless of what people have said in Nebraska they wanted on the ballot? Are you here to represent yourself and your own self-interests? Or are you here to represent the voters of Nebraska? We keep saying this is about the children. No, it stopped being about the children when the voters decided to take it to a vote in November. It is still about our schools. It is still about education. It is still about school choice, by the way.

KELLY: One minute.

BLOOD: So to throw these stories forward and say that these children won't have a choice or a, a, a second choice or a, a way to do better in school is ridiculous. We have school choice in Nebraska. We have very wealthy donors that have donated to all the private schools in Nebraska, especially the Catholic schools. We talked about that, I think, 2 bills ago. Mike Flood used to sit on that committee. They raised millions of dollars, and pretty much every child in Catholic school was under some sort of scholarship. Let's talk about what's really going on, which is what happens in November. Let the people vote. And you can laugh when we're wrong. Or you're going to find out that there's a realization that maybe this is not what the people want when they vote in November. Thank you, Mr. President.

KELLY: Thank you, Senator Blood. Senator Hardin, you are recognized to speak.

HARDIN: Thank you, Mr. President. I rise in support of the amendments and LB1402. Some students and parents from my district have indicated that a one-size-fits-all approach to their education can be like the proverbial bad suit. It touches them everywhere and fits them nowhere. Here are a few thoughts I pieced together from various parents and students. One said: When stewardship of those moneys that I pay in property taxes goes to CRT, most of the people in our

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district are not in support of that philosophy when it oozes out of the cracks of a lesson plan. Another said: Most of the people here do not believe that gender is fluid. One mom said: Most parents and students here do not believe that being a furry is a part of reality. One parent said: We do not believe that twisting the plain meaning of words is admirable, fashionable, or sophisticated. Many parents back home are not thrilled that standardized math and English proficiency scores in the 5th, 8th, and 11th grades show that at least half of the students are not proficient. Those same parents and students tend to be the ones who notice that ACT scores are also below the Nebraska state average. One pointed out: Interestingly, there's also what amounts to a monopoly on the teaching talent that graduates from state universities. If those graduates want to work for a private school, they know they'll be working for less than if they work for the monopoly, the public schools. Another says: The cost of educating most of the students in District 48 is twice the cost per student compared to the private school options that we have-- we have 2 of them there-- and yet some also believe they're getting half of the educational results and some very negative social ones. And this one: If parents would stop abdicating their job, we could go back to doing ours. That's obviously from a teacher. We do need some options, and LB1402 helps provide those. Thank you, Mr. President.

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

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

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

LINEHAN: A call of the house. A roll call vote in regular order.

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

CLERK: 26 ayes, 1 nay to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Blood, Conrad, Wishart, Walz, DeBoer, and McDonnell, please record your presence. The house is under call. Senator Blood, please return to

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the Chamber and record your presence. The house is under call. And Senator Linehan, I think you just answered, but we're missing Senator Blood. How do you wish to proceed? Thank you. Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed-- wait. Roll call vote, reverse order was the request. Mr. Clerk.

CLERK: Senator Wishart voting no. Senator Wayne voting yes. Senator Walz not voting. Senator von Gillern voting yes. Senator Vargas voting no. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould. Senator Murman voting yes. Senator Moser voting yes. Senator Meyer voting yes. Senator McKinney not voting. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Brewer voting yes. Senator Brandt voting no. Senator Bostelman voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. Vote is 33 ayes, 13 nays, Mr. President, to invoke cloture.

KELLY: Cloture is invoked. Members, the first vote is the adoption of AM3431. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM3431 is adopted. The next vote is on the adoption of AM2679. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 1 nay on adoption of the committee amendment, Mr. President.

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KELLY: AM2679 is adopted. Members, the vote next is to advance LB1402 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 12 nays on advancement of the bill, Mr. President.

KELLY: LB1402 is advanced to E&R Initial. Mr.-- I raise the call. Mr. Clerk.

CLERK: Mr. President, next bill, LB1402A, introduced by Senator Linehan. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out the provisions of LB1402; and declares an emergency. The bill was read for the first time March 25 of this year and placed directly on General File. That's all I have at this time.

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

LINEHAN: I'll be really quick. This drops it from \$25 million to \$10 million. I'd appreciate your green vote. Thank you.

KELLY: Thank you, Senator Linehan. Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Linehan would move to amend with AM3430.

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

LINEHAN: I'm sorry. This is the one that drops it from \$25 to \$10 million. Thank you.

KELLY: Thank you, Senator Linehan. Seeing no one else in the queue. You're recognized to close. And waive closing. Members, the question is the adoption of AM3430. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM3430 is adopted.

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

KELLY: Members, the question is to advance LB1402A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 1 nay on the advancement of the bill, Mr. President.

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KELLY: LB1402A is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, some items. Your Committee on Enrollment and Review reports LB840, LB903, LB910, LB1029, LB1070, LB1085, LB1214, LB1326 as correctly engrossed and placed on Final Reading. Additionally, your Committee on Enrollment and Review reports LB1363, LB1363A to Select File, LB1363 having E&R amendments. Series of motions to be printed from Senator Machaela Cavanaugh to LB1067. Additionally, series of motions to be printed to LB1317, LB1402, LB1406. And Senator DeBoer, a series of motions to be printed to LB1402. That's all I have at this time.

KELLY: Speaker Arch, you're recognized for a message.

ARCH: Thank you, Mr. President. Colleagues, we will now stand at ease while we wait for Revisor to return bills. We have to have those back so they can be recorded. Thank you.

KELLY: Thank you, Mr. Speaker. Speaker Arch, for an announcement.

ARCH: I forgot one detail. We need a quorum, so please, please stick around. Very important. Thank you.

KELLY: Thank you, Mr. Speaker.

[EASE]

ERDMAN: Hello. Hello. Can you hear me now? Hey. Hi, Colonel.

ARCH: Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB196, LB196A, LB233, LB253, LB399, LB600, LB600A, LB631, LB631A, LB686, LB870, LB870A, LB1017, LB1092, LB1195, LB1197, LB1284, LB1284A, LB1300, LB1300A, LB1329, LB1329A, LB1370 to-- as placed on-- reports as placed on Final Read-- correctly engrossed and placed on Final Reading. Additionally, your Committee on Enrollment Review reports LB25 to Select File with committee amendments. Amendments to printed: Senator Linehan to LB388 and Senator Bostar to LB1317. Finally, Mr. President, a priority motion, Senator Bostar would move to adjourn the body until Wednesday, April 10, 2024 at 9:00 a.m.

ARCH: You have heard the motion. All those in favor say aye. Opposed, nay. We are adjourned.