

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-first day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Jeff Jensen, Geneva Evangelical Free Church in Geneva, Nebraska, Senator Tom Brandt's district. Please rise.

JEFF JENSEN: Let us pray. Our gracious God, we thank you today for the freedom and the security to gather this day to do your work. We thank you for those who make that possible, who provide the security and the safety in our nation and in this Capitol; for those who serve us in our communities, those who respond to tragedy and emergency, those who serve as we are celebrating today in times of crisis created by natural events. We thank you for the medical, the military, the law enforcement, and the emergency personnel who serve our communities every day, and for these, your servants gathered here in this place. For those who struggle in life and whose situation has brought them grief, we thank you that there are so many who give freely. And for those who give, we ask your blessing. We ask your protection on those who need extra protection. We ask your grace for those who need and know your mercy. As we are gathered as leaders of this state, Father, we ask that you would create in us what you did in your Biblical servant, David, as the psalmist wrote of him that you chose him from among the places of the sheep, and that he led and guided your people with both an upright heart and with skilled hands. Our gracious God, today we pray that, as we go about your work, you would give us clear minds to understand what is best for the citizens of this great state of Nebraska; that you would give us integrity and uprightness of heart that we would protect and care for all the citizens of Nebraska; and that you would indeed give skilled hands to those who are gathered here to craft a future and to protect the traditions that make this the most incredible place to live in this great nation. So, Father, we pray that all that happens today would accomplish that your will would be done on earth as it is in heaven. Amen.

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

STROMMEN: Thank you, Mr. President. Please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

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ARCH: Thank you. I call to order the sixty-first day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning, sir.

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

CLERK: There are, Mr President. New LR: LR117 from Senator Storer; that'll be laid over. Additionally, notice that the Nebraska Retirement Systems Committee will have an executive session today in Room 2022 now. Retirement, Room 2022, currently in executive session. That's all I have at this time, Mr. President.

ARCH: Senator Clements would like to recognize Dr. Emily Franzen of Lincoln, who's serving as our family physician of the day. Thank you, Dr. Franzen, for serving. While the Legislature is in session and capable of transax-- transacting business, I propose to sign and do hereby sign LR105, LR106, and LR107. We will now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, General File, LR20-- LR20CA introduced by Senator Bostar. It's a constitutional amendment to permit an authorized gaming operator conducting sports wagering within a licensed racetrack enclosure to allow a sports wager to be placed by an individual located within the state of Nebraska at the time the individual places sports wager by means of a mobile or electronic platform. It was read for the first time on January 17 of this year and referred to the General Affairs Committee; that committee placed the LR on General File. There's no-- Mr. President, priority motion first. Senator von Gillern would move to indefinitely postpone LR20CA pursuant to Rule 6, Section 3(f).

ARCH: Senator Bostar, you are recognized to open on LR20CA.

BOSTAR: Thank you, Mr. President, and good morning, colleagues. LR20CA proposes to place a constitutional amendment on the 2026 general election ballot which would authorize online mobile sports wagering within the state of Nebraska. In 2020, Nebraska voters approved expanded gambling through a ballot measure by a vote of 65%. LR20CA will again give voters the chance to weigh in, to approve mobile

sports betting, and utilize the economic benefits of regulated gaming. Nebraska is currently missing out on a \$1.6 billion state online industry, and \$32 million in annual tax revenue which instead goes to neighboring states like Iowa, Colorado, Kansas, and Wyoming. Legalizing online mobile sports betting through LR20CA could significantly boost state revenues dedicated to the Property Tax Credit Fund, helping to address the burden of high property taxes. Thousands of Nebraskans are already crossing state lines each month to bet on sports, contributing to neighboring economies, with the vast majority of those bets going to Iowa. According to a recent study conducted by GeoComply, over the entirety of the 2024-'25 football season, there were over 83,000 active mobile sports wagering accounts in Nebraska, which is a 63% increase in accounts over the previous season. Over that same period of time, there were 3.9 million attempts to access regulated online sportsbooks from inside Nebraska's borders, and 42,000 border crossings with 92% going to Iowa to place a bet. The demand for mobile sports betting is clear, and it's in our best interests to regulate it. Nebraska's property taxes are among the highest in the nation, heavily impacting homeowners, farmers, and small business owners. Directing revenues from online mobile sports betting to the Property Tax Credit Fund can help to provide much needed relief. This is an opportunity to create a new source of revenue for property tax relief. In fact, Nebraskans are already in favor of the measure; almost 60% of voters support legalizing mobile sports betting, especially when they know it would generate \$32 million annually for the state revenue. Support increases 65% when the revenue is dedicated to the-- to property tax relief. I introduced this exact same constitutional amendment last year during the special session in order to get it on the 2024 general election ballot. Because it wasn't considered, Nebraska missed out on an estimated \$64 million dollars in tax revenue that could be used to reduce the property tax burden on our constituents. Let's not leave this money on the table or have it go to Iowa. Your green vote today empowers the voters of Nebraska to make the decision for themselves, to determine whether regulated online sports wagering is right for Nebraska, especially when it comes with millions of dollars in property tax relief. It also ensures that the Legislature retains the authority to determine the terms, conditions, and regulations under which mobile sports betting could be permitted in Nebraska. If we fail to pass LR20 CA, we know what happens next. Petitioners are all-- are ready. In fact, we saw last February that proponents were considering moving forward with a petition effort. If that happens, with public support hovering in the mid to high 60% range, the version that reaches the

ballot may not reflect the carefully reg-- the careful regulatory framework that this body would establish. LR20CA was heard in the General Affairs Committee on March 10; the committee advanced the bill on a vote of 6-2. With that, I would ask for your green vote to advance LR20CA to give Nebraskans the opportunity to vote on this important issue. And with that, I will yield the remainder of my time to Senator Prokop.

ARCH: Senator Prokop, 6 minute, 25.

PROKOP: Thank you, Mr. President, and thank you, Senator Bostar. Good morning, colleagues. I stand today in support of LR20CA and ask for your green vote on what I have, I have identified as my priority legislation for this session. LR20CA is my personal priority legislation for two simple reasons. First, it is clear beyond doubt that Nebraskans are already participating in mobile sports betting in unregulated ways. Second, the wisdom of this proposal is the fact that it gives the decision as to whether we do this to the people themselves. With respect to the first reason why I prioritized this legislation, the overwhelming evidence is that Nebraskans are already placing mobile bets. As has been reported in the news and was presented to the General Affairs Committee during its public hearing on LR20CA, Geolocate [SIC], a national company that provides location tracking services for online sports betting platforms, has been able to identify more than 729,000 times in the last year when Nebraskans have logged into a sports betting platform in the state and been, been blocked from placing online bet. During the last six-month period, so from September of 2024 to April of 2025, GeoComply further reported that more than 49,000 Nebraskans logged in and were blocked, but then traveled across the border to place their wager. There's no reason why a cornfield in Iowa just off the interstate should be touted as the busiest cornfield in America. Senators, those are your and my constituents using this product, spending their money, and paying taxes in another state simply because our constitution does not provide for it. It is also worth noting that those geolocate numbers are merely the bets that are placed legally after a person travels into a neighboring state where sports betting is allowed to place their bets. There are several online products run through offshore books that require no such GPS tracking or other regulation that many Nebraskans most certainly use today. Since Nebraskans are already doing it as a result of the neighboring states who allow it, and as the result of the unregulated, unregulated unlawful sportsbooks out there, it seems that Nebraskans aren't allowed-- it seems silly that Nebraskans aren't allowed to make the decisions themselves as to

whether or not we should close these loopholes. Aside from the fact that Nebraskans use these products already, I prioritized LR20CA because nothing happens unless the people of Nebraska want it to happen. To be 100% clear, your vote in support of this proposal does not make sports betting legal. Passage of this pro-- proposal does not authorize mobile sports betting any time in the next two years. What this proposal does is that it would provide the citizens of Nebraska the opportunity in the fall of 2026 to make a decision for themselves as to whether or not the Legislature should consider authorizing mobile sports spending in the future. Supporting LR20CA gives the people the right to decide whether they want it, while simultaneously ensuring that the Legislature has control over how it's done. Lastly, I'd just mention, as a member of the Appropriations Committee-- obviously, we've been working very diligently to try and address the budget shortfall, and here we are with an opportunity, if it's adopted by the people of Nebraska, to have another revenue source to, to "adopt," I think, issue number one that we all hear about from constituents, and that's property taxes. It is for these reasons that I ask for your green vote on LR20CA. I thank Senator Bostar for introducing the Legislature [SIC], and partnering with me to make this my personal priority. Thank you, Mr. President.

ARCH: Senator von Gillern, you're recognized to open on your motion to indefinitely postpone.

von GILLERN: Thank you, Mr. President. I rise this morning in opposition to LR20CA, which would legalize online sports gambling in Nebraska, and in support of my motion to indefinitely postpone the bill. I shared with Senator Bostar that I intend on filibustering the bill, but we're unlikely to take it eight hours today. I would hope to get some substantial testimony in, talk about both sides of, of the bill, and as I've been reminded "reapeatingly"-- repeatedly, it's a lot easier to kill a bill on Select reading than on General, so we'll share a lot of information today and save the long-winded testimony for Select if the bill happens to be advanced. My voice will be a little bit of a limiting factor today, so for those who are in favor of the bill, you can be grateful that I won't make it through the day with my voice, and you won't have to listen to me all day long. My opposition to LR20CA is not from a moral position against gambling as a whole. I'm-- I-- I've provided tons of data to you that illustrates that this is a predatory process that primarily pursues young men, and I'll share a lot more information around that today. While I do feel that gambling by its very nature generally is predatory, it is an entertainment choice for the people of Nebraska, and one that should

be taken in moderation. Like alcohol, tobacco, or numerous other activities, moderation is the key, and therefore, guardrails should be placed to encourage folks to make good decisions that will not harm themselves, their families, or place an undue burden on their communities, and gambling has proven to, to illustrate an undue burden on communities. As I read some information here shortly, you'll learn that this type of gambling, again, is particularly marketed to and predatory towards young men. I was a young man many years ago, and I can attest to the fact that many men in their twenties do not have the wisdom to abstain from things that are or can be harmful to themselves or their families. In those days, placing a bet involved a physical transaction with another person, and by the way, it was also illegal; you had to find a route to a bookie, give them your bet, give them your cash, pay or collect cash from them after a game. It's very different from what we're talking about today. For those who can spend hours scrolling on your phone on social media-- and I think we've all been caught in that trap once or twice-- you can occasionally receive that dopamine hit when someone likes your post or comments on your post. Just imagine that same hit coming from winning an occasional sports bet. Imagine that in your hand, this device that we all carry with us, you can make bet after bet after bet without ever leaving your home, without ever leaving your bedroom, your dorm room, your fraternity room-- you don't have to go to a casino, you can do it anywhere that you are. Winning, losing, doesn't matter; you just keep hitting the buttons and loading up cash onto the app. SMU, Southern Methodist University, a study examined 700,000 sports bettors and found that less than 5% of them withdrew more money from their gambling apps than they deposited. The bottom 3% lost enough money to make up half of the net revenue of the betting apps. It also showed that those who were really, really good at the apps were removed from the app. They were banned by the apps. The relationship between online sports gambling, gambling addiction, and financial struggles is well-documented and increasingly concerning, especially with the rapid growth of legal online betting platforms. First issue: ease of access. Online platforms are available 24/7, making it incredibly easy for users to place bets at any time. This constant accessibility increases the risk of compulsive use. Instant gratification: sports betting often offers quick results. Examples, betting on quarters, halves, or specific in-game events called prop bets, which I'll talk about more a little bit-- in a little-- in a-- here shortly. This creates a loop of instant rewards that can reinforce addictive behavior. Personalized marketing: algorithms target users with tailored promotions, bonuses, and risk-free-- quote-unquote-- bets which can draw people deeper into

frequent betting. My oldest son joined an app and played on house money until it was gone, and then he chose to quit. And that was wise on his behalf because behave-- his-- he knows his tendencies would be to embrace something like that, but he quit before he was lured enough to step in. He is, however, a big fan of fantasy sports, which I understand we have another bill pending on, which is just a hair's breadth away from what we're talking about today. But again, we'll talk about that more later. Next point, illusion of control: unlike casino games, sport-- sports betting can create the illusion that skill or knowledge gives bettors an edge; this can lead to overconfidence and more frequent betting. My understanding is that slot machines is the most addictive form of casino gambling and you have zero control over that, so the compulsive behavior that can lead to-- or, or the behavior that leads to consult-- compulsive behavior with sports gambling is even more, more addictive. The purveyors of the platform can kick you off the platform for any reason, including that a player has an unusual success rate. In other words, if you're really good at this, you can't play anymore, and if you are really bad, they'll pursue you even harder. Chasing losses: a hallmark of gambling addiction is trying to win back money which can spiral into large debts. Addicted gamblers often resort to credit cards, payday loans, or borrowing from friends and family, deepening financial strain. Financial obligations, rent, bills, groceries often are sidelined to fund betting habits. Financial stress coupled with secrecy and shame often spills into work performance and personal relationships. Online sports gambling directly contributes to financial struggles. Microtransactions can add up. Unlike going to a casino with a set amount of cash, if you go with cash in your hand or your ATM card and you withdraw a certain amount of cash, online gambling enables constant small bets that accumulate quickly. Live betting, prop bets, and constant access push bettors to bet more often, even when they're not financially prepared. So, let's talk about prop bets for a moment. I didn't know anything about this till I started doing some more studying on this. A proposition bet, or a prop bet, is a novelty or side bet; it's a bet made, made within the game regarding the occurrence or non-occurrence of a particular event during a game. Prop bets are differentiated from the general bets for or against a particular, particular team. A prop bet can be made on a baseball game-- for is-- for example, the number of strikeouts a pitcher will accumulate or the number of first downs a football team will rack up. There are even prop bets that pop up during a game where you can bet whether a field goal is going to be kicked and made or not. Realistically and statistically, discrete events contained in a

match or game can be bet on repeatedly. In other words, you can keep punching that button all the way through the game. You don't just make a bet at the beginning of the game; you're enticed to make additional bets throughout the game as the time goes on. In addition, not handling physical cash makes it easier to spend large sums without fully realizing the impact. Anyone who's ever used a credit card or an ATM-- a-- or a credit card knows that that can be true: it's easy to rack up a balance without, without noticing. Stats and studies show clearly that young adults are at higher risk. Studies show that younger people, especially men aged 18 to 34, are more susceptible to gambling addiction with online sports betting due to tech savviness and cultural trends, i.e. influencer endorsements and social media hype. We've all seen the, the ads on TV during NFL games where celebrities are talking about how much fun it is to gamble on these different apps. Gambling addiction is often linked with anxiety, depression, and substance abuse, all of which can lead or worsen the financial problems. So, let's talk about tax burden in states where it's been legalized. Not every state has seen an upside to this story. Some states have found that actual sports betting on tax revenues falls short of initial projections. For instance, Arizona anticipated around \$100 million annually after legalizing sports betting in April of 2021, but received only approximately \$26 million in 2022 and \$34 million in 2023. Similarly, our neighbor Kansas; 2023 revenue was about \$12 million less-- \$12 million, which is less than half of 1% of the \$2.8 billion wagered. That's according to the Washington Post. Additionally, setting high tax rates can influence the revenue outcomes. New York's 51% tax rate has led some bettors to seek more favorable rates in neighboring states. In summary, while "legalizing"-- legalizing online sports gambling has provided some tax revenue burst-- boosts in certain states, outcomes are mixed. Again, sports wagering-- online sports wagering predominantly appeals to younger male demographics. Again, millennials born between '81 and '96 constitute the largest group of online sports bettors in the U.S., accounting for 42% of users. Gen X born between 1965 and 1980 follows, comprising 28% of bettors.

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

McKINNEY: Thank you, Mr. President. I rise in opposition of the motion to IPP and in support of LR20CA, but I'm really standing up to wish my daughter Sana'a a happy 15th birthday. She turns 15 today, so excited about that. And I would yield the rest of my time to Senator Bostar, if he would like it.

ARCH: Senator Bostar, 4 minutes, 30.

BOSTAR: Thank you, Mr. President, and thank you, Senator McKinney. Senator von Gillern obviously has the, the IPP motion up, and I get the distinct impression that he's not in favor of this legislation. Senator von Gillern brought up a lot of the, the concerns I think that he has related to gambling and, and sports betting and mobile sports betting, and particularly if-- maybe it's buried on your pile on your-- of papers on your desks by now, but last week, Senator von Gillern handed out a lot articles about the, the problems that are happening with this industry, and folks getting addicted. And this is an interesting debate; it's a, it's a tricky debate for me because, in a lot of ways, I agree with Senator von Gillern, and I think it's good that we approach this with our eyes open. So, I would encourage you to look at all that material that, that Senator handed out before because it is something that we need to be staying on top of. I introduced this not because I think gambling is a great thing, not because I want everyone to do it, not because I think you should like it or anyone should, but fundamentally because it's already happening. Our prohibition on mobile sports betting here in the state of Nebraska is not stopping anyone from engaging in that activity. Whether that's by physically crossing the border to Iowa, you know, the-- a lot of our state's population sits right there on the eastern border; it's not hard for them to get to Iowa to place a bet. Whether it's through that, whether it's through other electronic means to make it seem as if they aren't standing in the state of Nebraska when they place their bet-- I can't tell you how many people have come to me and talked to me about how they are already doing this, how they do it from their phone. Had people in this building-- and I-- I'm not gonna out them-- talk about how they place bets from inside the state Capitol Building. It's happening. We're giving our revenue to other states, primarily Iowa. And, you know, I don't want you to like sports betting, but I would hope that you would find offense in us giving our money away to Iowa. I'm offended by it. The other reason why I think this is important is because it's, it's not about us deciding, it's about the people deciding; all we're doing is giving them that opportunity. Our choice here today is whether or not to let the people have a say and make the decision for themselves. And, thanks to all of those articles that you've seen over the weekend handed out by Senator von Gillern that are going to be continuously referenced here today, I actually believe that the public is able to make an informed decision thanks to the media, thanks to the coverage that these issues have seen. I don't always think that everyone's in a position to make an informed

decision on every issue, but on this one, I actually think that broadly, people are because of the amount of information that's out there and available. So, I just hope you'll consider that as you consider this legislative resolution, that we are not making the decision, we are letting the people--

ARCH: Time, Senator.

BOSTAR: --of Nebraska decide. Thank you, Mr. President.

ARCH: Senator Brandt would like to recognize some special guests: they are 13 electrical line workers from across Nebraska in recognition of Line Worker Appreciation Day. They are seated in the north balcony. Thank you for coming. Welcome to the Nebraska Legislature. Returning to the queue, Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I wasn't watching the clock on my, on my last, so I got surprised by that one, but thank you. So, I'll continue with my comments here. The, the, the, the thread, again, online sports betting, most popular among males age 18 to 34, millennials be the-- being the most active demographic. Next topic of-- about bankruptcies increasing in states where online sports gambling has been legalized. Studies suggest that bankruptcies have increased in states where online sports gambling has been legalized. A 2024 study by researchers from the univers-- from UCLA and the University of Southern California, USC, found that states permitting online sports betting, bankruptcy filings rose by as much as 25% to 30% compared to pre-legalization levels. You know, whether-- Senator Bostar said we're doing this already, people are doing this already, but this is a-- this is a study that shows that after it was legalized, 25% to 30% increase in bankruptcy rates. Additionally, these states experienced an 8 percent increase in debt collection amounts, and a 0.3% decline in average credit scores. Financial distress was particularly pronounced among young men in low-income areas. I think that's important to note, that we are not-- we-- that we not create laws here that allow predation on folks that are in low-income areas. The study observed that these demographics faced higher rates of bankruptcy, increased the use of consolidation and unsecured loans, and more credit card delinquencies. These findings highlight a correlation between the legalization of online sports gambling and negative financial outcomes, including increased bankruptcy rates in certain demographics. Online sports gambling has been associated with a significant increase in gambling addiction across various regions. In the U.S., following the 2018 Supreme Court

decision that allowed states to legalize sports betting, there was a 23% rise in online searches for gambling addiction help nationwide. 23% rise in gambling addiction help sought. States like Ohio, Pennsylvania, and Massachusetts saw increases of 67%, 50%, and 47% respectively, highlighting a correlation between the expansion of online sports betting and a surge in gambling addiction concerns. Other countries have seen similar findings. In Australia, a 2024 survey revealed that 15.5% of Australians engaged in sports betting, with problem gamblers accounting for one-third of all betting expenditures. In Brazil, the rapid growth of online sports betting led to financial hardships for many. Brazilians lost \$23.9 billion in online bets, with a significant portion of the population developing gambling problems. These statistics illustrate a global trend linking the proliferation of online sports gambling to increased rates of gambling addiction. I'm going to read briefly from an article from JAMA, the Journal of American Medical Associates [SIC]. The U.S. Supreme Court decision *Murphy v. National Collegiate Athletic Association* allowed states beyond Nevada to legalize sports betting, including online wagers. With an objective to describe how U. S. sports betting evolved after the, the court findings, and offer insights into the potential health effects-- and then I'm going to jump down. The results found there were 23% more searches nationally for gambling addictions after *Murphy v. NCAA*. Conclusions and relevance: the results of this time series study suggest that access to sportsbooks, sports wagers, and potential help seeking for gambling addiction increased substantially, and highlight the need to address the health implications of sportsbooks, including recognition and treatment of gambling problems and broader social implications. This does not come for free. This is property tax relief at a great expense, folks. We cannot gamble the lives of our young people away, particularly our young men, away for the cause of property tax release, and I'll add more at my next time on the mic. Thank you, Mr. President.

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

SORRENTINO: Thank you Mr. President. Thank you, Senator Bostar, for bringing this important issue to light. Having said that, I do rise in opposition to LR20CA, not because I am necessarily against gambling, no more than I am against alcohol or smoking. All are legal in the state of Nebraska, all when abused are overuse-- or overused are unhealthy and dangerous not just to the gambler, the drinker, or the smoker, but to those around them and their families. Instead, I believe that the passage of this resolution would simply color this

Legislature as an enabler: the body that simply made it easier to place bets, the body that gave into gambling, the body that doesn't really care so much about our citizens as it does the almighty dollar. Colleagues, are your constituents really clamoring for this privilege? Are your mailboxes full of voters asking for this? Mine are not. Fellow Senators, do you want to be known as the body that made it more convenient to make a bet without having to get in your car and try to place, to place that bet? The body that made it much easier for our kids who may not have transportation to make that bet from home or school, all because we want to seize the opportunity to tax online betting for the purpose of propping up our state budget, regardless of the social cost to our constituents, all in the name of money? Nobody would possibly attempt to construct a cogent and believable argument that gambling is harmless. Nobody. Just as nobody would possibly attempt to construct the cogent and believable argument that smoking is harmless. But those who profit from both will argue that smoking is legal. We tolerate smoking, we tax smoking. Gambling is legal, so why not tax the expansion of gambling to online gambling? It's OK, as long as we make enough disclaimers on packaging and websites about the dangers of both. It's OK. If we throw enough money at education and cessation classes, it's just OK. Ever know anyone who gambles on football all weekend? I do. And then can't wait for Monday night football for the chance to get even by doubling down, which is always a great strategy, by the way. Let's do this so he or she doesn't have to leave the family to go place that bet; instead, just hop on the internet. And if the double-down strategy isn't working, he or she can make that halftime over-and-under or prop bet to get even. But we have tax issues, and in times like these, we must put revenue before family, before protecting our youth. Wasn't that what we were elected for? I was not. I suggest that we first consider more conventional, more responsible methods such as reducing spending for-- from special interest groups, saying "no" or "no more" to groups who have been allocated hundreds of millions of dollars with substandard results; to reject the "rhetoric" of-- rhetoric of certain causes who insist that it will never be enough. Or maybe, simply, we elect leaders who will stand up for family values and not hide behind the tired, worn-out phrases such as "Well, they're going to gamble anyway," or "We shouldn't legislate values," or "We must trust our youth, not protect them." I ask you, what next, fellow Senators? What vice do we cater to in the interest of taxation next? Do we go the route of many foreign countries and certain counties within the USA and consider prostitution, perhaps? Why not legalize it? Why not regulate it? Just post a few disclaimers then tax it. Taxing does not cleanse vice,

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taxing doesn't help families, taxing don't help our youth. Let's take-- let's not take this step and move closer to the abyss of putting taxes before values. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. Thank you, Senator Bostar, for bringing LR20CA. I know this is not the first time that we've seen this bill. The state of Nebraska will give up \$64 million in foregone or lost tax revenue that could be used for property tax. Property taxes that will be going up again this year, next year, the year after. Mobile sports betting is happening today. I have, have had bettors show me their phones, and the casinos that they're on typically are outside the United States. The most active sports betting site in Iowa, as Senator Prokop said-- and I think it was in the Lincoln Journal [SIC]-- is the gravel road intersection off the end of the Mormon Bridge, and that is because in Nebraska, we are geo-fenced out from betting with the casinos, and you would have to go-- to break that geo-fence, you have to go over the state line. The closest intersection over the end of that bridge is that gravel intersection, and it's kind of mind-boggling that that is the biggest sports bet in the state of Iowa. In Nebraska, alcohol, tobacco, gambling, guns, whether you wear a helmet-- we let grown-ups decide that, we let our people decide that. Does everybody make a good decision? They do not. There are consequences to some bad decisions, but we let them decide for themselves. Mobile betting should be the same way. And it isn't like we've got 16-year-olds that can mobile bet. Maybe they can today because there's no regulation on it, but under this bill, you have to be 21 to mobile bet. Any new mobile sports betting will go through our existing casinos, casinos today that pay an enormous amount in Nebraska taxes, and taxes that go for property tax relief. So, I'm a little concerned Nebraska's becoming kind of a nanny state. You can come up with a lot of what-if scenarios on every bill that goes through here, and a lot of bad things could happen, a lot of good things could happen. But I'm firmly on the side of supporting this bill. I think we should let the people decide. What we're voting on here is a constitutional amendment that in 2026, in November, the citizens of the state of Nebraska can decide and tell the Legislature, "Yes, we want this" or "No, we do not." I would encourage your green vote on LR20CA, and red on the IPP. I would yield the rest of my time to Senator Prokop.

ARCH: Senator Prokop, 2 minutes.

PROKOP: Thank you, Mr. President, and thank you, Senator Brandt. Now I'm going to kind of pick up on a thread on some of the items that Senator von Gillern has, has discussed in his comments. And I think I don't want the body to lose sight of, of what the alternative is here if LR20CA is, is not successful, and then the people don't adopt it at the ballot box. So-- and the alternative is, is that Nebraskans-- and, and they are already doing this-- can use illegal offshore gambling websites with just a few clicks and a credit card. So, you're taking it completely out of the hands of any type of, of regulated market in that case. People see and hear about sports betting all the time on TV because it's already legal in more than half the country. But when Nebraska residents Google it, all they have access to are offshore illegal sportsbooks pretending to be legal. These offshore websites, they don't ask questions; if you have a credit card or a crypto currency, they don't care how old you are or how much money you lose. They're offering no consumer protections or responsible gambling safeguards, and even allow consumers to bet on, on credit, which does put Nebraskans at risk of getting in over their heads or having their personal information stolen. So, what we're talking about here with LR20CA is giving Nebraskans the options to set up a-- to vote on a regulated, well-constructed platform so that they can do it the right way and, and have those safety elements in place. You know, you've heard opponents say that allowing online sports betting is going to make it easier for minors to place bets, but that, quite frankly, isn't true. There's age verification and know-your-customer protocols in the regulated industry--

ARCH: Time, Senator.

PROKOP: Thank you, Mr. President.

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

LIPPINCOTT: Thank you, sir. Opponents of sports wagering legislation often raise concerns rooted in social, economic, and ethical issues, and I wanted to list a couple of those. Number one, addiction and mental health risk. Legalizing sports betting can exasperate gambling addiction, leading to financial ruins, strained relationships, mental health crises. Studies suggest that up to 2% of gamblers will develop disorders, with broader impacts on families and communities. Number two, the economic harm to vulnerable groups. Legal betting disproportionately affects lower-income individuals who may spend a higher share of their income on wagers, chasing losses; this can deepen poverty, and increase reliance on public assistance. Number

three, integrity of sports. Widespread betting raises risk of match fixing and corruption as players, coaches, or officials might be tempted to manipulate outcomes for profit. Historical scandals like the 1919 Black Sox highlight this danger. Number four, youth exploitation. Legal betting markets, especially online, can target younger audiences through aggressive marketing. With easy access via smartphones, underage gambling could spike, fostering risky behaviors early. Number five, social costs outweigh revenue. While states eye tax revenue, critics argue the societal cost-- that is in crime, bankruptcy, addiction treatment-- often exceed financial gains. For example, a 2016 study estimated problem gambling costing the United States over \$7 billion annually. Number six, normalizing risky behavior. Legalization may glamorize gambling, embedding it in everyday culture; that is, like, sports apps and ads. This could desensitize people to its dangers, especially when tied to entertainment like sports fandom. Number seven, regulatory challenges. Effective oversight is tough. Regulators may struggle to monitor illegal betting markets, underage access, or ensure fair practices by operators, leaving consumers vulnerable to fraud or exploitation. These points reflect concerns about balancing individual freedom with societal risk, often citing evidence from jurisdictions where gambling has expanded. Critics urge caution, pointing to long-term consequences over short-term economic boost. Sir, I yield my time.

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

KAUTH: Thank you, Mr. President. So, as we talk about this debate, I want us to consider how people behave, how they act. We know that young adults act with more impulsivity. That's just the nature of being a young adult. The intensity and the immediacy of social media is now being combined with the ease of a tap of a phone, and the elusive promise of big wins. All of that just feeds right into that, hey, I'm going to-- I'm going to get rich; the get rich quick. If it was easy, everybody would be able to do it. The fact that we are talking about slowing things down is a good thing. Having obstacles in place of making these kinds of decisions is a good thing. I remember 20 years ago, when there were huge, huge fights and debates about putting ATMs in casinos because the fear is that people would just go and pull as much money as they could out or use their credit cards. All of those things that we were worried about have come to pass. We see more and more addiction, we see more bankruptcies, we see more people mired in debt. I find it ironic that while we are discussing a variety of SNAP benefits, which are for people who are not able to make their financial commitments, we're also concurrently making it

more likely our citizens will tip into financial trouble. The lure of potential tax revenues sounds too good to be true, and states have found them absolutely lacking, as Senator von Gillern explained. Although it's true that someone who really wants to will find a way, that's a much smaller number than our entire population being encouraged and facilitated to do so. There's an article that Senator von Gillern passed out about the gambling addiction hotlines; the volumes are up, and the callers are younger. As we think about our young adults starting out their lives, we've been excessively worried about their student debt because it impacts every aspect of their life; it impacts their ability to buy a home, it impacts our ability to start a family. But that, at least you'd get a degree. As we look at this, the, the immediacy of the online gambling world, the quickness with which that money can just slip away, and the lack of financial knowledge and restraint-- because you're young-- to be able to say, ooh, I should probably stop-- it's not like you're going to an ATM and withdrawing cash. You're tapping your phone that-- we have been conditioned to tap our phones about everything. It's easy, it's fast. We should worry about how quickly this will progress. I'm very concerned about the amount of debt young people will get themselves into. Again, when you start off your life in debt, the rest of your life looks fairly bleak. For all of our sakes, I hope that we take the time to really think this through. I yield my time.

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

CLOUSE: Thank you, Mr. President and colleagues. I rise in opposition to the motion to indefinitely postpone, and also in support of LR20CA, and it's not because I condone it or promote gambling. Certainly, I've, I've done my share over the years. But, you know, it takes a lot of restraint, and I'm very acutely aware that there is no question it will have an impact on gambling addiction. That's why [INAUDIBLE] as we draft these, these bills that we make it very important and crucial that we fund gambling addiction and resources for counseling, because it, it is-- there's no question that it will have an impact. I'm a member of the General Affairs Committee, and so certainly, we heard a lot of compelling arguments on both sides of this particular issue. And I don't know how many in this body have ever been in a position to make some decisions, but a few years ago, the city of Kearney, we were taking a look at are we interested in having a casino in our community. And we were mulling it over, we had countless meetings, and we looked at our community and says "Is this how we want our community to be identified?" And while we were doing that, I called a couple of friends that own and operate sports bars, and I was concerned about

what the impact of a casino in our community would do to them. And essentially, they held up their phones and says it won't have any impact because we're all-- it's already taking place. So, they really had no issues to a casino with a sportsbook located in our community. So ultimately, we decided that that's not what we wanted our community to be identified as, so we proceeded to focus on family-friendly entertainment, and that's when we decided to build our sportsplex and just focus on Kearney being a "fandy"-- a family-friendly community for entertainment. So, some of the keys for me that we just-- we have a lot of ballot initiatives that-- over the years, we just kept kicking the can down the road. Certainly, casino gambling was one. Guess what? They got tired of it. After a couple of times kicking around in this body, they took it upon themselves and got it on the ballot. We spent the last few weeks arguing and debating paid sick leave, minimum wage, and pretty soon, we're going to be talking at length about medical cannabis. All these things that this body did not take action, and our citizens decided they were going to step up because we weren't listening to them. So, this particular issue is like it or not, we need to take the lead on it and put in language we can live with and the proper regulations, because I submit-- and I'm firmly convinced-- that in the 2026 ballot, there will be some form of initiative for expanded gambling in this state. So, I think it's important that we take the lead and we control it so that we can get the output that I think we can live with and will be best for our state. So, with that, I will yield the rest of my time. Thank you.

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

BOSTAR: Thank you, Mr. President. It, it was-- it's sort of mentioned before, but I want to draw further attention to it. First of all, the fact that mobile sports betting isn't permissive legally in the state of Nebraska doesn't stop anyone from doing it. And, if we do not take the opportunity to pose and frame the question ourselves for the people of Nebraska to answer on whether or not this should be legal, the industry is going to do that instead. Currently, we, we have a 20% tax rate on the, the proceeds of gaming that can be used for property tax relief, for-- the, the, the two most important things that we do with our current existing gambling revenue is tax relief and problem gambling assistance, helping folks who, who have an addiction, who are struggling. If we don't do this and the industry does, I guarantee you it will look different. It won't be a 20% tax rate, for starters. My conversations with them have indicated that, if they go to the ballot themselves with it, it'll be a 6.5% tax rate, similar to what Iowa has. And it could be far more expansive in scope; it may not just be

mobile sports betting. There are a lot of further expansion opportunities for the gaming industry, and I can guarantee that if they're the ones that are going to be putting it on the ballot, it will be significantly broader in scale and in scope, and the tax rate will be significantly lower. And the social costs that we are already incurring-- because people are already doing this, they are already addicted-- we will have even less means of being able to provide the resources to help those folks. So, I just-- I hope, I hope, colleagues, that you keep that in mind. This is not a, a new issue. We have seen time and time again when we fail to pass something, when we fail to put something to the voters ourselves where we control how the question is asked and what is entailed by a given answer-- when we fail to do that, we don't like where it ends up. This is a lesson that we should learn by now. But we can; we can let the industry take over how this moves forward, if we don't. I hope you will agree by voting in support of LR20CA that it is in our interest to maintain our position in the driver's seat of what regulation around this industry looks like. Thank you, Mr. President.

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

HOLDCROFT: Thank you, Mr. President. I'd like to take this opportunity to read a letter I think we all received last week from former Congressman Tom Osborne, from State Auditor Mike Foley, from former Governor Kay Orr, and from Senator Ricketts. I'm going to read it here; I've also provided a copy to everyone. It's dated April the 10th, 2025, to members of the Nebraska Legislature. Online sports betting has expanded rapidly since a 2018 Supreme Court decision paved the way for its legalization. As access to mobile sports betting continues to rise, the negative impact of having instant access to a gaming device 24 hours a day has become abundantly clear. In the past few years, the popularity of mobile sports betting apps from out-of-state operators like DraftKings, FanDuel, Caesars, and even ESPN has exploded. These apps attract an influx of new gamblers who never otherwise would have placed bets with a bookie, or even spent time in casinos. Legalizing on-- online sports betting in Nebraska would turn every cell phone, laptop, and tablet into a, a gambling device available 24 by 7. Online sports betting can lead to new people developing gambling disorders, puts young men in the, in the addiction bullseye, and will take money away from the main street Nebraska businesses. We urge members of the Nebraska Unicameral to reject these bills. There are several specific features of online sports betting that make it likely to lead to faster addiction. When some bet on sports, they tend to perceive their bets as safer and more informed by

their own judgment. In reality, 96% of online sport bettors have money-- lose money gambling. Again, 96% of online sports bettors lose money gambling. Mobile sports betting is not just betting on the outcome of the next game; it allows betting on every action in a game at speeds as fast as slot machines. The action is constant. Rapid gambling, like mobile sports betting, means both higher addiction rates and higher revenues for out-of-state gambling operators. These operators also push parlay bets, which require multiple outcomes to be met to win, worsening the odds for gamblers and increasing profits for operators. The operators of these platforms have spent billions of dollars in advertising, with some running misleading claims of risk-free bets to entice users to join their platform. Since sports betting started to become more widely legalized, the National Council on Problem Gambling, the NCPG, reports the risk of gambling addiction has grown by 30%. The NCPG has also seen a 150% increase in calls to their gambling helpline, a staggering increase directly attributable to the dangers of having such instantaneous access of sportsbooks. The main driver behind these calls? Young people. Online sports betting puts America's young people in the addiction bullseye. Young people, particularly young men, are at high risk of becoming addicted to gambling. A Rutgers University study published last year found that individuals aged 18 to 44 were most likely to be high-risk problem gamblers, with an alarming 6% of college students having lost more than \$500 in a single day as a result of online sports betting. According to the NCAA, about two-thirds of college students have bet on sports, and most of them are not of legal age to do so. Research shows that 20% of college students have already spent financial aid on gambling, and states like Iowa that have legalized online sports betting have seen a dramatic increase in betting by student athletes, calling into question the integrity of collegiate athletes. Research also indicates legalizing sports gambling will negatively impact the financial health of Nebraskans. A 2024 report found states that have legalized sports betting experienced a decline in credit scores, an increase in bankruptcy rates, and a higher level of auto loan delinquencies. The report also found these outcomes were even worse in states with online sports betting. And I'll pause there and read the rest of the letter on my next time up. Thank you, Mr. President.

DORN: Thank you, Senator Holdcroft. Senator Storm would like to recognize 18 fourth graders seated in the north balcony from St. John's School in Weston, Nebraska. Please stand and be recognized by your Nebraska State Legislature. Senator Prokop, you're recognized to speak.

PROKOP: Thank you, Mr. President. I want to pick back up on, on a thread the last time I was on the mic. And I think, again, just a reminder that this is-- all would be a byproduct of, of allowing Nebraskans to decide at the ballot box to create a well-regulated mobile sports betting market. That-- and, and really, this gets to the heart of, of, I think, some of the concerns that have been raised, and just how it works functionally. So, there is age verification and, and, and know-your-customer protocols in the regulated industry, and those are extremely rigorous and require anyone seeking to open account to verify personal information such as name and address, date of birth, and provide further proof of identification such as a driver's license or government ID card. If you've ever banked or, or applied for a loan or mortgage online, it's, it's kind of, kind of like that. And then, once the account is established, apps require usernames and, and passwords, but also use technology such as facial rec-- identification, two-factor identification. All of this is to ensure that a person accessing the app is who they say they are, and the person is at least 21 years of age. To the issue of responsible gambling, the regulated industry have multiple ways of ensuring customers are playing responsibly. When you sign up for a sports betting app, for example, and, and intermittently after that, the app walks you through a tutorial on the responsible gaming features. You can set limits on, on how long you spend on the app, how much you deposit, how much you can bet, and how many-- and there are many other limits that are designed to encourage responsible behavior. And in some cases, players are encouraged, if not mandated, to use those features. And then, access to responsible gambling tools and supports are always just a single click away when you're on a regulated app or a website. Kind of a second line of, of defense against those who may have, have challenges with gambling is, is using data tracking, determining whether the player is exhibiting signs of, of problem gambling. For example, loss chasing, which has been mentioned, which is betting continuously more after losing a bet or a series of bets, can be, can be regulated. A third line of defense is human customer service interactions. All customer service employees are extensively trained to identify and, and respond to indicators of problem gambling, and those operators work hand-in-hand with, with local resources and can make referrals to a hotline or, or local treatment providers to help. And I think also important to know that, much like when casinos were being debated in this state, a significant portion of the tax revenue from online sports betting will go to support problem gambling. There are also things such as self-exclusion lists. A person can exclude from gambling at any time and for a period of

time for, for a week, up to a lifetime. If a person self-excludes or is involuntarily excluded, that person cannot reverse that decision until the designated time period expires. A person who self-excludes is placed on a statewide list, and that person will be banned from placing bets in other-- with other apps, entering a casino, or being marketed to by gambling companies. Last item I'd, I'd mention kind of on this thread is just a gam-- the gambling hotline. Every advertisement and app prominently displays a 24/7 hotline number for problem gambling. When sports betting was first legalized in other states, we've seen calls to that 800-number increased at first, but people were thinking it was the customer service line. But they finally knew where to turn to help, and then had the resources in place. So, all of that just to kind of make the point that there are, there are limitations in place to, to prevent some of the concerns that we've discussed this morning. You know, I would just close my comments this time on the mic with-- you know, I, I think it's better to have a well-funded safety net than pretend that the problem is just going to go away, because we are seeing Nebraskans either travel over the border to, to Iowa or other neighboring states that do offer a mobile sports betting, or using that unregulated market, so let's not pretend that it's not happening and that it will just go away. We tried for-- that for decades with casinos, and any type of issues that came back with that, they came back to Nebraska. We got stuck with all the bad side-effects while Iowa got all the, all the revenue. We finally got wise to that, and in 2020, 65% of Nebraska voters said we should open casinos here. So, we got some of that benefit from gambling, the tax revenue, and not just the downside, so I think it's important to keep that all in mind as we're considering this issue. Thank you, Mr. President.

DORN: Thank you, Senator Prokop. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. Chair. I rise to speak on LR20CA. I have a son that is in this exact demographic that, that we're talking about that is affected by something like this, and from talking to him, I do know-- they're not wrong-- that kids and young men and, and people in Nebraska are getting around the rules and, and doing this today. However, they do have to make an effort to do that, and if this-- if something like this is allowed in Nebraska, it'll be clearly much easier. So, I understand those points; to make it legal, have sites that are reputable, and have some guardrails. But here's my dilemma: I am in full support of Senator Storer's LB383, which is protecting minors and having parental consent to open social media accounts. And

also, I am supporting Senator Bosn's LB504, the Age-Appropriate Online Design Code Act, because we know that the apps out there are made to be addictive, and those aren't even the gambling apps; these are just, you know, likes and swipes, and, and we've seen the effects with kids, and they've done the studies that show the mental health decline and physical-- just the things that come from that that are, that are not good for our kids. In fact, I've-- these two bills, Senator Bosn's and Senator Storer's, in my opinion this year, are maybe one of-- the two most important bills that we pass. So, if that's what I believe on those, how then an I in good conscience vote for something like this which, if passed by the state of Nebraska in 2026, is an app that is on your phone and is clearly targeted to a group of people that they-- that's who uses it, particularly men, and it's a very addictive app. And not only can you have the, the behavioral-- or, the mental health issues with it, but will also potentially lead these kids down into a hole financially that is going to be a real struggle to get out of. When you're looking at a certain, you know-- these apps are not who people in my generation are using to gamble. It is targeted to a certain group, and it's 24/7, and I just feel like if we're doing these other bills to protect that segment from something like this, I'm, I'm struggling with how, how can we support this one if we're doing something different that is on, on the backside of that. So, I'm really going to listen today to the conversation. I, I do understand if you're doing it illegally that it doesn't have the guardrails in place, and you, you know, it doesn't have-- you know, we have the list right now, gambling-- if you've got a physical gambling problem going into casinos, you can put your name on that list, do not let in. And when I show up at the WarHorse Casino, I don't get let in because I've self-reported and I'm on that list. And it sounds like if we-- you know, these kind of apps would have that same thing. But I just-- I don't know. I struggle with who this is targeting, and we know it's an issue, and I also wonder if-- these things are passing, and the, and the map is-- they, they passed out a map of all the states in the United States that allow this. There are a lot. I wonder if sometime, years down the road, if we're going to be not trying to put this genie back in the bottle and, and recover from, from the things we've done, so. Anyway, I yield my time back. Thank you, Mr. Chair.

DORN: Thank you, Senator Hughes. Senator von Gillern, you're recognized to speak, and this is your third time.

von GILLERN: Thank you, Mr. President. Got a few comments I want to read from several articles here. One of, one of the first is from a testimony by Stop Predatory Gambling that was in the, the hearing on

LR20CA. A few facts that they share. Number one, the amount of illegal gambling has increased since states introduced online gambling, the complete opposite of what gambling operators claim to have happened. Number two, states that have allowed online gambling are experiencing a metastasizing epidemic of gambling addiction of young-- among young adults and teens because of the exploitation and manipulation by gambling operators; passing LR20CA will unleash this epidemic. Number three, online gambling operators use deceptive marketing tactics to minimize the public health and financial risk. And I'm going to insert here not part of this testimony; I just read something else that talked about how the advertising, you know, advertising around all-- alcohol and tobacco is very restrictive in our media. There is no restriction-- though-- none of those same restrictions apply to, to gambling, which is why we're seeing so much of it on television. Number four, online-- allowing online sports gambling in Nebraska will dramatically worsen the financial losses citizens are already suffering. Nebraskans are already losing \$458 of personal wealth every minute to the Nebraska Lottery and the state's casinos. Nebraska citizens lost \$241.2 million of personal wealth to the Nebraska Lottery and the state's casinos combined in 2024. Then, I'm gonna move on to an article by-- from The Atlantic that, that is, is on this topic, obviously. It says-- I'm going to jump around a little bit here-- ads, ads for an online gaming are broadcast. More than one in three Americans now bets on sports, according to a Seton Hall poll. Before 2018, sports gambling was prohibited almost everywhere; now, it's legal in 38 states. And I'm going to jump down. Alarming patterns have started to emerge. Two recent working papers look at the economic impacts of legalization. One by Northwestern University's Scott Baker and colleagues finds that legal sports gambling depletes household savings. Specifically, for every \$1 spent on betting, households put \$2 less into investment accounts. States see big increases in the risk of overdrafting a bank account or maxing out a credit card. And then, this is particularly important. Please listen to this. Looking specifically at online sports gambling, they find that legalization increases the risk that a household goes bankrupt by 25% to 30%, and increases debt delinquency. I'm going to read that again. Looking specifically online sports gambling, they find that legalization-- so, what we're hearing, what's been said repeatedly is people are already doing this. Well, yes, they're doing it; they have to go through a VPN to get onto the system, or they have to leave the state in order to get on and do it, or they have to go to a casino. All of those involve-- all of those are more difficult than picking up your phone and punching a button. Legalization increases the risk that a

household goes bankrupt by 25% to 30%, and increases debt delinquency. These problems seem to concentrate amongst young men living in low-income counties, further evidence that those most hurt by sports gambling are the least well-off. Continuing on in the article, about 5% of betters spent 70% of the money in New Jersey in late 2020 and early 2021, for example. The costs of gambling concentrate among those least able to pay. And then, again, legalization isn't yielding many benefits either. Tax revenue, one of the major justifications for legalization, has been anemic, with all 38 legal states combined making only about \$500 million from it a quarter, less than alcohol, tobacco, or marijuana. And it hasn't even shrunk the illegal market, at least in Massachusetts, where bettors were just as likely to use unauthorized betting sites after legalization. With that, I'll yield back the remainder of my time. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. Well, I wasn't planning on speaking on this bill, but, you know, so it happens. Listening to people in favor and opposition of it, but I first want to mention that we do have a lot of the electrical line workers here today visiting the Capitol, and I just want to give a special shout-out to all the line workers in Washington, Burt, Cuming, and parts of Stanton Counties-- which is my district-- after that blizzard. They've been putting in nonstop work 24/7, trying to get people-- power back on the pole, so. I just want to mention publicly that I appreciate everything they do, and I know everybody here in the Legislature does as well, so thank you very much. I did one time do some sports betting in Vegas. I think that was probably, like, 15 years ago. Wait, how old am I? Yeah, about 15 years ago. I bet that Nebraska Cornhuskers would win the national championship. I put 50 bucks on it. That's the only time I've gambled, sports gambling. It didn't work out too well. It was fun. But what we're discussing here is do we take away that right for the citizens of Nebraska? I totally understand where Senator von Gillern is coming from. He makes a lot of good points, actually. There is a concern about addiction. But one other thing I also want to mention is I also don't believe it's right that we pass a bill because we're going to make money off of it, or everyone else is doing it, so we should too. Now, whether that comes to gambling, whether it comes to medical marijuana, whether it comes to midwives, I think it's an argument you can make, but it's not the reason you do it. You make a law or you get rid of a law because you feel like it's just and it's right, which is, I think, what hopefully is the crux of what we can discuss on this

bill today. And it's always a tough decision for me, which I'm assuming it is for many legislators here, is how far do we restrict people's liberties and their rights? This is always a tough one, because we do see some of the ills of sports gambling, what-- what's-- the, the pitfalls some of our citizens can fall into. But do we take that right away from them for that reason? If we take away that right because of addictive factors, we better get rid of alcohol, we better get rid of gam-- we better get rid of smoking, we better get rid of refined sugar, one of the most addictive things that we legalize here in Nebraska. We better get rid of a lot of addictive behaviors in the state of Nebraska. So, ask yourself this: would you rather have a government that errs on the side of liberty or tyranny? When it's a tough decision like this for me, do I take-- do I take that right away from people? I always err on the side of liberty. If that right that we are willing to take away or give somebody does not affect, affect the civil liberties of somebody else, I err on the side of liberty. I think it's reasonable, definitely, to discuss behaviors or actions that we legalize or take away that do affect somebody else's civil liberty; I think that's where the government can step in. So, I am in favor of LR20CA, and I'm going to vote green on it, but I totally understand where the opposition is coming from. This is a tough decision. But I err on the side of liberty. I think there are appropriate government interventions we can make to help curb the addictive factors of gambling that I think are appropriate. Education. So, some of the money we make off of this, use towards education. Something Senator von Gillern was even saying that we do with cigarettes: ban advertising for it. We have that right to do that. We're not taking away their liberty, their ability to do something. But we can help curb the influence, especially when it comes to the addiction part of gambling. And one thing we can always say too, that I'm not usually in huge favor of, is sin taxes. I think you tax everything the same, or you, you know-- just because we feel like something is bad-- but that is an option we can do as well, put a significant amount of taxes on it, then, then somebody can find out how much it's worth to them. But again, I'm in favor of unruly or over-burdensome taxes, though, as well. So, we have to be careful with that route. So, there are options we can do, I think, as a government, to make sure we help curb addiction when it comes to sports gambling. But again, I'm going to err on the side of liberty and allow people to do what they want with their money, so I'm going to vote green on LR20CA. And I do appreciate the opposition coming up here and voicing their concern, because this is something we all need to hear and debate about, as a legislature. Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President. I am not in favor of LR20CA. Online sports gambling has sparked significant debate, as we can see, both for and, and against the legalization and the adoption. There are highly addictive risks. Online sports gaming is highly accessible, making it easier for individuals to develop gambling addictions. The ability to even bet on micro-events in sports, such as first downs, individual plays or outcomes, can lead to compulsive gambling behaviors. Gambling addiction creates great financial harm to many families. It includes their individuals, including debt accumulation and bankruptcy. Vulnerable communities are often disproportionately affected. The impact on sports integrity. Critics argue that widespread gambling can undermine the integrity of the sports, all the way back to the days of Pete Rose, and even before that, the "Shoeless Joe" Jackson. Concerns include match fixing and undue pressures on players, especially in high-stakes games. Also, there are mental health issues. Gambling addictions can lead to mental health challenges, including anxiety, depression, and stress. The constant availability of online gambling platforms exacerbates these issues. There are also predatory practices. Some argue that the gambling industry targets vulnerable individuals, and we have heard that here this morning. Young college-aged men, young teen men-- using aggressive marketing tactics to encourage betting for these people has increased. This can lead to exploitation and harm. Did you know there are some states that are now attempting to reverse their online gambling? Michigan, for one, is ordering offline gambling to cease and-- to cease their operations with at least 13 different online predators. Again, I stand against LR20CA, and I yield the rest of my time.

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

JUAREZ: Good morning, colleagues, and good morning to everyone online. I find this information that we're discussing today pretty interesting. I-- I'm not against gambling per se, because I am happy that we do have the casinos in our state because of the massive amount of funds that we were losing to Iowa. And I like to go to the casino in Omaha because it's near my neighborhood, and I'm not disappointed that it was built in my neighborhood. I-- they give me a free \$5, and I go and spend my \$5. And I'm lucky, because it's-- fortunate because it isn't an addiction for me. I definitely go and spend that \$5, and I

leave, and nothing else happens beyond that. And I've been reading these stories of people who have had an addiction with it, and it really has shed a new light for me on this issue. And it's sad to think that people really have got in a tremendous amount of debt over, over gambling. And I'm just going to continue to listen and try to make some decisions here on really what I think is best for my district and best for the state, and I would like to yield the rest of my time to Senator Prokop.

DORN: Senator Prokop, you're yielded 3:10.

PROKOP: Thank you, Mr. President. Thank you, Senator Juarez. You know, again-- and I think it needs to be said again to remind folks that with LR20CA, we are, we are not voting to legalize mobile sports betting; we are simply providing the avenue for the voters of Nebraska to make that decision. Some of the items brought up around problem gambling, and just comments about that it's increasing, I would just like to share a few statistics on some of the issues that have, that have been raised over the course of the debate this morning. The first being that, in a study done by the National Council on Problem Gambling, they found that only 1% of the population falls into the category of severe problem gambling, and this has held steady for decades, both before and after the rise of legal online sports betting. I've also, you know, discussed that these operators, they invest heavily in consumer protections, far exceeding what's available in the illegal or, or unregulated environments. There was some comments shared or perspectives shared, really concerns expressed about that this is going to, to lead to higher debt, more bankruptcies. The reality really is that most bettors wage-- wager less on a legal online sports betting site app each week than they spend on coffee over-- sorry. Most bettors wager less on a legal online sports betting app each month than they spend on coffee at Starbucks in a week. In fact, studies will show that online sports betting really is just kind of a, a form of, of entertainment; it's not a, not a concern in that regard. In a 2024 Wofford College study, it found no statistically significant impacts on financial well-being from online sports betting. Even studies critical of sports betting have shown that the top third of, of bettors deposit only about \$100 per month, while the bottom two-thirds deposit just a few dollars per month on average. And upon closer examination, claims of rising bankruptcies or credit card debt are often based on very minuscule differences-- less than 1 percent-- that 99 percent of economists would characterize as statistically insignificant and easily explained by broader economic factors that led to those, to those things

happening. With that, I would yield back the rest of the time, Mr. President.

DORN: Thank you, Senator Prokop and Senator Juarez. Senator Storm, you're recognized to speak.

STORM: Thank you, Mr. President. Good morning, colleagues. I stand in opposition to LR20CA. I set on the General Affairs Committee and listened to the testimony for this bill. There were seven proponents, and there were seven in opposition, two in neutral. The testifiers were by and large-- the proponents were for-- from large casinos and corporations out of the state. They want to get as much money as they can to their state and their business from Nebraska. The seven people that testified in opposition were from-- all from Nebraska. The one thing-- I've been in this-- the body for three months; I'm a freshman senator, and it seems like the, the common thread I keep seeing here is if you want to pass your bill or get something through here, you say it's going to lower property taxes. That's, that's kind of the buzzword. Everybody wants to hear that. It's the number one issue that the voters have in this state, is "How can we lower property taxes?" So, you attach that to your bill, and say this will lower your property taxes, that's how we'll do it. And we're soon going to be debating on marijuana in this state, "eiver" this-- either this session or next session. And there's many in here that want to-- not many, but I would say some that want to move to recreational marijuana, and they're going to get up here and tell you this is all for property tax relief. Might as well have as much weed in the state as we can; we'll tax it, that will lower your property taxes. We're about soon to debate about raising taxes to lower property taxes. That's coming up real soon. We're going raise your taxes over here to lower property taxes. And now, we're on to gambling. And in this bill, the common theme you'll hear from Senator Bostar and Senator "Prokoff" [SIC] is this is going to lower your property taxes; all this money goes to Iowa, so we need to, to ingrain this into our constitution and it'll lower your properties taxes. And I'll remind everybody, in 2020, we legalized gambling in this state through a ballot initiative. Has that lowered your property taxes? Have you seen any significant lowering of your property since 2020? So, now we're going to make a dramatic shift with, with this-- a chance to vote on this by the voters, a dramatic shift in gambling, engrain it in our constitution. You think that's going to lower your property taxes? Shortly after I was elected, I met with blue, Blue Valley Behavioral Health. They wanted to meet with me, and-- like other groups. And I went and talked to their executive director in David City, and I asked him "What's the

number one issue you deal with when you meet when counsel patients?" He said immediately, gambling addiction and the ills that come with gambling. And so, that, that really-- I was actually kind of surprised that that was the number one issue that they deal with is gambling. And I would say from-- this is definitely a predatory form of gambling, like it's been discussed by other people in here. And I would, I would, I would view this as taxation by exploitation. We're going to exploit people to get tax revenue out of them, mainly young men. So, you're going to have students at UNL, students at UNK, other universities who are going to gamble away their tuition on online sports betting. They're going to gamble away the rent online sports gambling. I think as state senators, we have to stand up for those people. And, as Senator Sorrentino talked about earlier-- he brought up prostitution, OK? In the state of Illinois right now-- and I, and I heard about this when I was meeting with-- I went over to a lunch at-- across the street with the insurance companies, and there was a gentleman there from Illinois, and we were talking about various things that we're going to discuss in this state and this body, and we talked about marijuana. And then, he brought up prostitution. He said, right now in Illinois, they have a bill from their body to legalize prostitution in Illinois. And once again, they're looking at it as a tax revenue source. Is prostitution going on right now in Nebraska? Probably. Should we legalize it and say it's going to lower everybody's property taxes? So, that's what we're up against. So, I yield the rest of my time back.

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

HALLSTROM: Thank you, Mr. President, colleagues. I rise on the first round of debate to express my support for LR20CA. I've listened intently to the debate, and I think good points on both sides of this policy argument have been made by Senator Bostar, Senator von Gillern, and others. When I consider the issue about putting an impediment in front of our, our youth or others who may exercise their ability to online gamble if this LR20CA is passed, I'm not sure how effective that impediment of having to go to the casino really is. I hearken back to 2022, the Nebraska-Georgia Southern game, which happened to be Coach Frost's last game, I believe, in charge of the Huskers. And I was at a Husker football party, and a young man behind me was talking about being online and looking at the changes in the points. And the over-unders for Georgia Southern, Nebraska that night, as I recall, were 62.5. And when Georgia Southern jumped out to a 21-7 lead in the-- I think the first quarter, or early in the second quarter, the

young man says, you know, I, I, I took some-- put some money on the, on the, on the overs, and now they're moving up, and I think I can split the middle and go on the unders. And every few minutes, he was telling me that the over-unders were changing as Nebraska tried to get back in that game, which they ultimately lost 45 to 42. And the, the problem with the issue was he was right there then before we even had online gambling as a consideration, to my knowledge, before the Legislature. Maybe there had been a proposal earlier, but it was not the law of the land in Nebraska. And yet, that was happening. And while that causes me some pause, it's going on, it's not hard to contravene, as, as was evidenced by my experience that night. Again, I was not aware that the points would change during the pendency of the game. The old traditional gamblers, I think, looked at the, the points being set before the game, both as to the point spread and the over-under. So, it was new to me, but I'm not sure that we're going to put much of an impediment in front. One other thing, just to clear the record. Senator Lippincott had referred to the Black Sox Scandal of 1919. Obviously, that has nothing to do with online gambling, but it was actually the Chicago White Sox that were involved in the so-called Black Sox Scandal in 1919, and it involved a guy that Senator Lonowski made reference to, "Shoeless Joe" Jackson, along with seven of his other teammates, which professional gamblers bribed to throw the 1919 World Series between the Chicago White Sox and the underdog Cincinnati Reds. And there was a grand jury investigation, and they were ultimately found guilty [sic], the eight players banned from baseball forever. Interesting factoid is that "Shoeless Joe" Jackson batted .375 during that World Series, so from the batting perspective, he, he didn't appear to throw the game. However, they suggested that he played left field in that particular World Series, and there were a number of triples that he went after fairly slowly to allow the runners to circle the bases, and that may have been part and parcel of throwing the World series. So, just a trip down memory lane there. But again, for the moment, I am supporting LR20CA today, and would encourage you to do so. Thank you.

DORN: Thank you, Senator Hallstrom. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I support the IPP motion and oppose LR20CA. I'm going to read from a, a testimony letter that was sent in, a woman named Jacqueline. I'm writing in strong opposition to LR20CA. In December 2024, my son should have celebrated his 29th birthday. But we are not able to celebrate it or any future birthday he should have had. I lost my son to "suicide" in-- suicide in May

of 2024. I had no indication ahead of time that he was in a place whereby he would suddenly take his own life. I knew that just over four years after graduating university, he was going through a shift in career goals, and also was reconsidering whether he wanted to move. By outward appearances, however, he seemed to be managing this transition, which is not an uncommon state of mind for young people in their late 20s. What I did not know until after his death was that he had lost thousands of his hard-earned money. I had spent the Easter weekend with him just five weeks before his death, however he kept secret from me the fact that a sports gambling problem had overtaken his life. Based on the evidence that I have gathered since my son's sudden death, I would argue that online sports gambling is mostly about exploiting and endangering people's lives in the name of this predatory industry's greed and disregard for human life rather than being about a new way for avid sports fans to enjoy themselves. The convenience of the smartphone has fueled the rapid boom in online sports gambling's popularity over just a few years. Most people, however, are unaware of the insidious ways in which the industry employs this technology to collect personal data; more than 90 different data points, according to a 60 Minutes documentary. The industry cultivates and fuels addiction, directly targeting those that it identifies as emerging problem gamblers. Horrified as I examined my son's phone in the weeks after his death, I saw firsthand how sports gambling operators offered him free box seat tickets to appealing live local sports events, addressed directly in personalized text to him, and, quote, free amounts of gambling money to ensure he remained actively engaged with the multiple gambling apps on his phone. The \$10,000 bet my son frenetically placed on a losing NHL Stanley Cup game during the last 48 hours of his life was followed by a series of still more frenetic bets placed in isolation on his phone as he tried to win back his massive loss. It is clear that he died alone. Sports enthusiasts, such as my son was during his short time on Earth, are lured into thinking that this activity must be relatively benign because they were raised to consider sports as wholesome, healthy social activities. But with five sports gambling apps on his phone by the end of his life, he could have multiple bets going at any given time, and sports gamblers tend to delude themselves when they do win that they are drawing on their skill, their knowledge of sports. The gambling industry knows and exploits all of this. Until he became ensnared by the predatory online sports gambling apps on his phone last year, my son had saved a considerable amount of his earnings, working hard in a professional full-time job since graduating college. He lived frugally in a studio apartment. My son never went into credit

card debt, but he lost \$41,300 of his hard-earned savings over several months. Several studies conducted in the U.S. reported that those with gambling disorder had the highest suicide rate of any addiction disorder, with one in five gambling disorder patients having attempted suicide. Similar findings were reported from the UK, where those with gambling disorder were six times more likely to have suicidal thoughts and 15 times more like to make a suicidal attempt. According to a recent University of Massachusetts report, the percentage of casino revenue derived from problem and at-risk gamblers was 90% in '21-'22. Repeating, the percentage of casino revenue derived from problem and at-risk gamblers was 90% The only thing in life--

ARCH: Time, Senator.

CLEMENTS: Thank you.

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

HOLDCROFT: Thank you, Mr. President. I just wanted to finish the letter that we received from former Congressman Tom Osborne, from former Governor Kay Orr, from State Auditor Foley, and from Senator Ricketts. I continue: in addition to leading to higher addiction rates and harming consumer financial health, online betting will also cannibalize economic activity for Main Street Nebraska businesses. If the predictions by the proponents of online gambling are correct, Nebraskans would have to lose \$160 million they would otherwise spend boosting Nebraska's economy and supporting our Main Street businesses. This would result in roughly \$11 million lost in sales tax revenue, and a negative impact on lottery revenues. States like Texas and even California have held off on legalizing online sports betting. California recently rejected online sports betting, with more than 80% of voters voting "no." Reports called it an epic repudiation of online gambling and online sports-betting. Nebraska recently legalized casinos at racetracks for the promise of property tax reduction, which has not realized in any significant way. We encourage legislators to reject LR20CA, and protect our youth and families from the suffering that comes with the addiction that online gambling brings. And this is sincerely, the Honorable Tom Osborne, the Honorable Kay Orr, State Auditor Mike Foley, and Senator Pick-- Pete Ricketts. I just wanted to pick up on one of the last comments there, and that, you know, everyone thinks that gambling is going to be our, our solution for property tax; we will just increase gambling, and then we won't have to pay any property tax. Well, you know, we do have four casinos that are in operation, and we did get \$21 million dollars in 2024 that we

applied towards property tax. \$21 million. OK, there are two million people in, in Nebraska, three per household; that works out to \$3.50 per household in property tax relief. Now, even when we get to six casinos and double what we're receiving-- say we get to \$50 million, that still is going to work out to about \$10 per household in property tax relief. That's what we are going to be getting from, from casino gambling. Now, let me just run a few other numbers by you here. The big online gambling houses, FanDuel, DraftKings, and BetMGM have one thing in common: there is a lot of overhead required to continually improve and maintain the sophisticated computer software to continually make the betting more and more exciting, and a lot of advertising. And the sportsbooks, as in any business, requires profit. We can estimate Nebraska's hard-earned money that would leave our state. As reported by Senator Bostar, the estimated value of the gross gaming revenue, money lost by gamblers for online sports betting in Nebraska is \$160 million per year. Using the same tax as casinos now pay, 20% of the gross gaming revenue, the tax revenue for Nebraska would be \$32 million. This leaves \$128 million for the gaming providers. \$128 million of the \$160 million is going to the providers. Nebraska casinos may get a cut of the gross gaming revenue; we could estimate their cut at 10% of the \$16 million. This leaves \$112 million for the electronic platform provider, sportsbooks such as Draft Kings, FanDuel, and BetMGM. So, here is how it works out using revenue numbers stated by Senator Bostar. Gross gaming revenue will be \$160 million; less tax revenue to Nebraska, \$32 million; less revenue to casinos, \$16 million; gross income to sportsbooks, DraftKings, \$112 million per year. Since the online sportsbook is unlikely to be located in Nebraska, \$112 million will be sent out of state, probably to the east or west coast. In order for Nebraska to get \$32 million tax revenue, we would lose \$121 million to another state. We'll never see that money again. Most of that money would instead be spent for other things by Nebraska consumers, boosting local Nebraska businesses-- could be spent. For want of \$32 million in tax [INAUDIBLE]-- revenue, Nebraska would lose approximately \$112 million per year.

ARCH: Time, Senator.

HOLDCROFT: Thank you, Mr. President.

ARCH: Senator von Gillern would like to recognize some special guests: they are 85 fourth grade students from Manchester Elementary in Omaha. They are located in the north balcony. Students, if you would rise and

be recognized by your Nebraska Legislature. Returning to the queue, Senator Guereca, you're recognized to speak.

GUERECA: Thank you, Mr. President. Good morning, colleagues. Good morning to the eighth graders. Welcome to the Nebraska legislator [SIC]. This is your house. I was a little late this morning. I had-- having some behavioral problems with my cats. Apparently, it's a thing called redirected aggression. And I think there's some bit of redirected emotions we have going on here this morning. This is already happening, folks. I-- you know, I think I fit the bill of the millennial that likes sports, and perhaps would be willing to go out and, and place a sports bet. And I guarantee there's about 10 different ways I could sit down right now on my phone and do it. A VPN takes one click to turn on, to overcome the geofencing. This is already happening. All LR20CA does is provide guardrails for something that is already happening. I have dozens of friends that already do this. We are giving up money to Iowa. I don't think there's a single senator in this body that lives closer to Iowa. The joke I made on the campaign trail is that from my front porch, I could see the people going over the bridge, pulling off into that gravel lot, placing their bets. I could literally see us losing tax dollars to Iowa from my front porch. Is problem gambling an issue? Absolutely, and I don't think there's a single senator in this body that is saying otherwise. All we're saying is that let's bring in resources at a time when it's desperately needed. Desperately needed. Let's collect revenue on something that is absolutely already happening. And again, this isn't us making the decision; this is us taking it to the vote of the people. And, like my colleagues have already stated, if we don't take action on this, this, this is going to be on the ballot box in 2026 either way. So, either we take action now and collect the 20%, or we pass the buck and these companies will put it on the ballot. We see the polling; it's going to pass, and it'll pass at 6.5% tax rate. This is already happening. We have a fiscal responsibility to the taxpayers. So, let's collect the money, let's provide services to the problem gamblers. We should absolutely be doing that, but we need dollars to do that. So, colleagues, this is already happening. Let's collect the 20%. Vote green and let the people decide, because they're going to do it either way. This is going to be on the ballot in 2026. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I've been listening to testimony this morning, and I can tell you I-- I've-- there's been some great

testimony and a lot of strong reasons why we should not allow sports gambling. And I would tell you for the record, I was opposed from, from-- to every gambling measure. Many of you know I do have a farming operation, and I learned long ago that farming's about-- is enough of a gamble in itself that it's fully satisfied any of my urges to gamble. Every spring when I put a crop in the ground, I'm taking-- I'm gambling. So-- but as I look at the bill and I listen to testimony this morning, all the states around us except South Dakota allow online sports gambling. There is revenue attached to it, and people are, in fact, doing this; they are either using it through the VPN and getting around it today, or they're driving to Iowa. So, when we look at the statistics of the amount of money that we're losing because of gambling addictions, we're losing a lot of that money already by-- but it-- but we're, we're, we're getting the ill-effects of gambling, but we're not getting any of the revenue from gambling. I agree that I don't think that revenue is going to be the deciding factor, and should not be the deciding factor for anyone. But I like to be pragmatic about these kinds of issues. There have been great points, as I said, as to why we should not support gambling. But this is an LRCA; it's a constitutional amendment to go on the ballot and let the people decide. And I think clearly, there's a lot of division among the group in here today as to "Do we want to support gambling?" And whether we pass this CA or not, I tend to agree with Senator Guereca and others that it will be on the ballot, and it may not be the way we want to see it come through. I think we have a much better opportunity to set some parameters on the front end, pass this through and put it on the ballot, put ourselves in line with the states around us, collect what revenue we can, put money in the gambling addiction fund, and try to get some of the positive benefits where we're already dealing with a lot of the negative benefits from the fact that people do move or go to the-- travel to the states around us, or they use a VPN and get around it the way it is. Also, with the gambling casinos going up, we already have gambling in the state from the casino standpoint; we're just adding an additional piece to this. So, at the end of the day, if it goes on the ballot, I'm going to vote no. But I think the people should have the opportunity to make that decision. And for that reason, I've decided to support the measure, at least on the first round. Thank you, Mr. President.

ARCH: Senator Conrad would like to recognize some special guests. They are 25 ninth grade students, a teacher and two sponsors from North Star High School. They are located in the south balcony. Please rise

and be recognized by your Legislature. Returning to the queue, Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I'd like to finish the letter from a mother named Jacqueline that I was reading. The reports from the UK were, were those with gambling disorders were six times more likely to have suicidal thoughts, 15 times more likely to make a suicidal attempt. According to a recent University of Massachusetts report, the percentage of casino revenue derived from problem and at-risk gamblers was 90% in '21-'22. The only thing in life that's certain is death and taxes, but states cannot tax their highest gambling revenue earning sources when they're dead or bankrupt. She says: I urge you to vote against LR20CA, which, by legalizing unwarned-- online sports gambling in Nebraska, would lead to significant human suffering as my son endured, and as I will continue to endure for the rest of my life. Sincerely, Jacqueline. And so, I oppose LR20CA because of the problems I've seen in my own business as a small-town banker. I had a man who came in to me a number of years ago, and he had a \$150 car payment on an old car he, he, he couldn't make. He said, I had \$50 toward the car payment, but I bought keno tickets with it, and If I win, I'll pay your loan off completely instead. I looked at him and said, I wish you would have bought groceries with that \$50. Instead, he lost it gambling, and didn't get his loan paid and he didn't feed his family that week, that I know of. And so, seeing it personally like that, I just cannot support expanding gambling in Nebraska. The voters may do that, but I'm not going to be a party of it. And so, I urge your vote for the IPP motion, and to oppose LR20CA. Thank you, Mr. President.

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

ARMENDARIZ: Thank you, Mr. President. I thought I would join in on the conversation here, and just share with the public what-- where my stance is on LR20CA. I-- I'm not opposed to this going on the ballot for the people to vote on. I might have a bit, bit of a different take than Senator Hansen and Senator Jacobson on how it gets there, understanding Senator Guereca's stance on it's going to get there either way in '26, and I am, I am perfectly fine with that; I am a big proponent of letting the people speak. And I also have had families that I know very well that have lost their house to gambling. I do think that it is an important enough bill that there should be a lot of work and thought put into it, so I would prefer that the, the gambling folks go and collect the signatures to get it on the ballot and put that effort in. Takes a lot of effort to do that, and people then are talked to person-to-person about whether they want that on

the ballot. If we do it here, unfortunately, oftentimes, many, many, many, many people do not know the details of that ballot initiative that are, that are going to be presented to them in one day in November. And, if they're going out and collecting signatures on this for many, many months, they are at least talking to people face-to-face and discussing exactly what will be on the ballot, and people will sign it and better understand it. I like the psychology of the dollar bill actually leaving your hand. People hold onto it a little bit tighter and are a little more aware of where their money is going, and as we move more to a software-based monetary system, we lose, we lose sight of where our money is going a lot. So, I want a lot of thought put into this when it goes to the ballot. So, I won't support LR20CA just so the folks collect the, the adequate signatures to get it on the ballot that way instead. I appreciate your time. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. I've been listening to, obviously, all of the discussion. Good discussion. These are kind of days I enjoy because there is-- this isn't really a partisan issue, and people are making some, some good points. I stand in opposition to LR20CA, and I, and I guess I just want to reiterate one specific concern-- and I think Senator Hughes alluded to this. Obviously, I have introduced legislation for age verification on social media apps, because we know they're addictive and harmful to youth. And while I know there's an underlying-- I, I would like to further explore; we'll see where this vote goes today. But I think there should be an express provision, if indeed this goes-- this passes and, and goes on the ballot, that there be a very express provision for age verification for the same reasons that I have brought LB383 for age verification on social media apps. I understand that there's a, again, presumption that, that will be part of the regulatory framework. I would like to see it expressly put in the language. Thank you. I yield my time.

ARCH: Seeing no one in the queue, Senator von Gillern, you're recognized to close on your motion.

von GILLERN: Thank you, Mr. President. I'll not use all of my time. I've got 10 minutes, correct, on the close? Five. OK, maybe I will use all my time. Quickly wanted to ask-- I'm not going to ask Senator Hallstrom to yield to a question, but I was curious if he actually did attend that 1919 World Series, because he seemed to know a lot about it. But we'll check up with him later on that. Senator Clouse made

some good points; if we don't regulate it now, and it goes to the ballot from an initiative, we will have an uphill battle to regulate it, and he's not incorrect in that statement. But it does not mean that we're not able to regulate it in any way. We have had debate in the past several weeks around minimum wage and sick leave, and there are guardrails and there are parameters that can be added. Senator Bostar said it'll look different if they take it to the ballot, and we'll miss out on tax revenue. I just can't get myself to the point where I'm willing to sell out, particularly our young people, for property tax relief. If this goes to the ballot, we'll see what we saw on the ballot initiative for paid sick leave and for minimum wage increase and the abortion matters in the last election, and what we will see is that companies who have billions of dollars in revenue will put millions of dollars into advertising in order to see this passed. Just like the commercials showing people having tons of fun in the casinos, you'll see some version of that for sports gambling. I've never seen people having tons of fun in a casino, but I guess that's the difference between the ads and reality. The studies are clear: there are serious negative financial, fiscal, and social outcomes related to online sports gambling. It's not contested. No one who supports this bill has contested the facts about that. Their pushback is that it'll be worse if we do nothing. I urge you to consider the long-term ancillary effects of legalizing online sports, gambling. Don't sell out our young men, don't tell out our marginalized communities who are proven to be the most victimized by this. That's not my opinion, that's what the studies have shown. Senator Hansen framed this as a liberty or tyranny discussion. I don't see it that way; I don't see gambling as a right ensured in our Constitution. It's certainly not mentioned there. Senator Sorrentino boldly used the example of prostitution as a way of illustrating that we're unlikely to embrace every way to tax relief, and certainly, that is not a liberty issue. Senator Prokop said that there are no negative financial outcomes from this. Well, the vad-- vast amount of data that I found says otherwise. We can all find data to back up our own biases, right? I want to share the broad cross-section of resources that my data and comments came from today. They include: The Atlantic, USC, UCLA, Journal of American Medicine, NBC News, Sports Illustrated, Forbes, The Guardian, Wall Street Journal, Washington Post, Washington Examiner, and ESPN. Again, I urge you, please don't sell out our young people for property tax relief. Mr. Clerk, I withdraw my motion to IPP. Folks, I urge you to vote red on our LR20CA. Thank you, Mr. President.

ARCH: Without objection, so ordered. See-- seeing no one in the queue, Senator Bostar, you're recognized to close.

BOSTAR: Thank you, Mr. President, and thank you, colleagues, for the discussion this morning. I've appreciated it. I've-- and I appreciate Senator von Gillern and the points he makes, and the concern that he brings forward, I think, is valid. I, I do-- I-- you know, I don't see this as selling out our young people for property tax relief, primarily because whether or not LR20CA passes or it fails-- and it's been said on the floor this morning, we will see this question on the ballot. But it won't be identical. From my perspective, it will appear worse if we don't do it ourselves this way. And yeah, and look, I, I get it, it can-- there's something cathartic about having the industry go and get the signatures themselves. I understand that impulse. But our state will be worse for it. They're fairly open in the fact that they'll set the tax rate at 6.5% instead of the 20% that it is now. So, we won't have the proceeds, we won't be able to put the money toward property tax relief and the share going to support those that are struggling with addiction. We won't have any of it. It'll still be legalized, but our opportunity will have passed. That's why I encourage this body to vote for LR20CA and let the public decide whether or not this is something they want to see. Again, I'll, I'll bring forward the fact that there's, there's been a lot of coverage of this, and Senator von Gillern brought forward a lot of articles, a lot of reports, a lot of studies about the challenges and harms that come from legalizing gambling, legalizing sports betting, legalizing mobile online sports betting. Those are real, and I hope that the people of Nebraska, as they vote on this next year-- whether that's through our efforts or through the industry's efforts-- keep all of that in mind. I'll just put in a separate plug for our local press as well, who have also been covering this issue and publishing on it. And, you know, subscribe to your local papers here, if you're not already. They've got good stuff coming out. With that, the last I'll say is I'm happy to talk to folks if there are other provisions that you're interested in seeing in this. Come talk to me between General and Select. Happy to talk to anyone about anything that they want to see in this that might help it. With that, I would encourage your green vote on LR20CA. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the advancement of LR20CA to E&R Initial. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

CLERK: 27 ayes, 16 nays on advancement of the bill, Mr. President.

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Rough Draft

ARCH: LR20CA does advance. Mr. Clerk, next item.

CLERK: Mr. President, LB80 introduced by Senator Hallstrom. It's a bill for an relating to protection orders; amends Section 28-311.02, 28-311.05, 42-901, (42-)905, (42-)924.01, (42-)924.03, (42-)927, (42-)928, (42-9)29, (42-9)31, 43-2, 107, and 60-3209, and Sections 25-2740, 28-311.04, (28-)311.12, 28-358.01, 28-1205, (28-)1206, 29-404.02, (29-)422, (29-)2292, 42-903, (42-)924, (42-)924.02, (42-)925, (42-)926, 16-- 43-1609, and 43-1611; adopts the Protection Orders Act; extends the initial period of protection orders; defines terms; provides penalties; provides for duties and-- powers and duties relating to such orders; changes the penalty for violation of a harassment protection order; transfers provisions; harmonizes provisions; repeals the original section; outright repeals Section 28-311.10 and Section 28-311.09, 28-311.11. Bill was read for the first time on January 9th of this year and referred to the Judiciary Committee; that committee placed the bill on General File with committee amendments, Mr. President

ARCH: Senator Hallstrom, you're recognized to open on LB80.

HALLSTROM: Thank you, Mr. Speaker, colleagues. Come before you today to present LB80, a bill designed to consolidate and streamline our existing statutes concerning domestic abuse, sexual assault, and harassment protection orders under a single comprehensive framework known as the Protection Orders Act. Protection orders are court-issued directives intended to protect individuals from threats, abuse, harassment, or sexual violence. They are often a critical tool for survivors to establish safety, restrict contact from abusers, and begin rebuilding their lives. The laws that govern these orders should be clear, consistent, and responsive to the real-world risk that victims face. This bill is built upon the foundation laid by LB1098, introduced last session by Senator DeKay. That bill received no opposition during its hearing. The Deputy Administrator for the Court Services Division provided neutral testimony and made some suggestions for change, many of which were incorporated into LB80, which is before you. We do have some amendments, which either Senator Rountree, myself, or Senator Bosn will address as we move forward here. What I'd like to do is talk about the core of LB80. First, it has a provision for extended duration of protection orders. LB80 enables a protection order issued under the act to be issued for an initial period of at least one year and no more than two years, set at the court's discretion based upon the evidence presented. It also allows an existing harassment protection order to be renewed. This is an area in

which we received some pushback at the committee hearing from the bar association and the criminal defense attorneys, and I think the better policy is to allow for extended issuance of these important protection orders. The survivors who are seeking these protection orders and the organizations who serve them have continued to urge, urge the extension. Longer durations of protection orders provide greater protection to the victims. One study found a 70% reduction in physical abuse and a 60% reduction in psychological abuse to be directly associated with the extended duration of protection orders. The limitations imposed on respondents by these orders do not create extraordinary burdens. In fact, as of 2022, 34 states have longer protection order durations available than in Nebraska, ranging from two years to permanent lifetime protection orders. This longer duration provides greater stability and safety to survivors, and reduces the workload for our judicial system. In addition, it minimizes the number of times that the victim has to go back and relive the experience in seeking a renewal, if necessary. Secondly, the bill provides for certified copies of the protection order to be provided at no cost. The bill mandates that certified copies or protection orders be provided free of charge to petitioners, local law enforcement agencies, and sheriff's offices, facilitating efficient enforcement. It also provides flexibility with regard to the court's consideration of petitions that are before it. Courts are empowered to treat a position-- petition for one type of protection order as another should the evidence suggest a more appropriate classification, ensuring that survivors receive the most suitable protection. It provides enhanced penalties for violations, which provides consistency among the three types of protection orders that are addressed by LB80. LB80 introduces stricter penalties for repeated violations of harassment protection orders, aligning them with the consequences for breaches of sexual assault and domestic violence protection orders which currently exist in statute. Next, the bill has the inclusion of unlawful intrusion offenses. The bill expands the definition of sexual assault within the Protection Orders Act to encompass violations such as unlawful intrusion, addressing modern forms of abuse such as revenge porn. And it has the ability for court staff to assist petitioners by authorizing them to assist individuals in completing protection order requests, ensuring accessibility while adhering to court policies. And finally, confidentiality measures. Petitioners can request that their contact information remain confidential, with court staff maintaining this information solely for judicial use, thereby enhancing survivor safety. Following thorough discussion and consideration, LB80 was advanced from the Judiciary Committee on a

vote of 7-1, and comes before you today with a committee amendment. That committee amendment adds language to Sections 4 and 5 of the bill, allowing the court to order such relief as it deems necessary to provide for the safety and welfare of the petitioner in cases involving sexual assault and harassment protection orders. This language mirrors the existing protection already available under domestic abuse protection orders, ensuring consistent and equitable treatment across all protection order types. In just a few months of this year, Nebraska has witnessed a tragic series of domestic violence incidents resulting in the deaths of four women. I'm not going to go through those specifics; I think they've been magnified in the newspapers and underscore the need to have an efficient and effective protection order process and system in play in Nebraska. These heartbreaking events underscore the critical need for robust and effective protection measures. No law can prevent every tragedy, but we must do everything in our power to protect vulnerable individuals and save lives. Where we can improve policies, we will. It's our duty to ensure that laws are as effective as possible in providing protection and support to victims. That's why I introduced LB80 to extend the length of protection orders and simplify the process for those seeking them. The current system can be difficult to navigate, and short-duration orders don't offer lasting security or the time needed for survivors to find stability. This bill takes meaningful steps to remove barriers and strengthen the tools available to those most at risk. Colleagues, this is-- bill is not simply about placing another statute on the books; it's about the lives of real people in our communities who are seeking safety, stability, and a future free from fear. By modernizing and improving the structure and scope of probation orders in Nebraska, LB80 provides the tools for courts, law enforcement, and advocates to respond effectively. I would encourage your support for LB80 and the committee amendment. I have already addressed the committee amendment that relates to LB80 and the changes to Sections 4 and 5, and Senator Rountree-- I could yield the rest of my time to Senator Rountree if he wants to discuss the provisions of, I believe, LB141 and LB267 that are part of the committee amendment.

ARCH: Senator Rountree, 2 minutes, 10 seconds.

ROUNTREE: Thank you so much, Mr. Speaker. Today, I rise to introduce my two bills that are included into LB80. I thank Senator Ballard and Hallstrom for-- and the members of the Judiciary Committee for including these bills. I'll try to [INAUDIBLE] LB141 would better connect the Department of Health and Human Services and the military installations when cases of child abuse or neglect are reported.

During the course of an investigation of cases of child abused or neglect, if the department determines that the subject of the case is a member of the military family, the department would notify the appropriate military authorities and the appropriate military family advocacy program. Families going through these circumstances are having the hardest days of their lives, and being connected to the services as soon as possible can make a world of difference. But I want to stress here is that this proposed policy is not a military law enforcement matter, but rather a victim advocacy measure to protect our most vulnerable. I worked with the Department of Health and Human Services and the Department of Defense to make sure this language reflects the intent of the bill. DHHS and the Department of Defense will be able to negotiate a memorandum of understanding to adequately report alleged cases of abuse and neglect, and connect families to the services available to them. On to LB267, it builds on the protections of tenants who are survivors of domestic violence that this Legislature passed in LB320 in 2021 with 43 votes. LB320 protected survivors from evictions of criminal activity if that criminal activity included their being a victim of domestic violence, and it also allows survivors the opportunity to leave their rental agreements when domestic violence was present. I'm red-- almost red. LB267 makes two changes to the Nebraska Uniform Residential tenant-- Landlord Tenant Act. First, LB267 clarifies that landlords may proceed with evictions for criminal activity against only the perpetrator of domestic violence, if proof of domestic violence is presented to the landlord. When presented with that required documentation, the tenant may notify the landlord of the following: the full legal name-- and there's some more. I'm red, so I will go ahead, Mr. Speaker, and--

ARCH: Time, Senator.

ROUNTREE: --address-- thank you.

ARCH: As the Clerk indicated, there is a committee amendment. Senator Bosn, you're recognized to open.

BOSN: Thank you, Mr. President. I rise to open on the committee amendment, AM801, and certainly in support of the committee amendment and both of Senator Rountree's bills as well as Senator Hallstrom's bills. They-- or, bill, excuse me. They did mostly what I was going to talk about in terms of talking about the opening and what their amendments do, but I will-- so I will just provide a few clarification points. This adds important language to Sections 4 and 5, providing that in cases of harassment or sexual assault protection orders, the

court may order such relief as deemed necessary to ensure the safety and welfare of the petition. So, it essentially mirrors that language for domestic abuse protection orders. I'll take just a quick moment and talk about the fact that I was previously a prosecutor, handled domestic assault cases for a number of years, over three years. I have seen firsthand how vital these protection orders are for survivors. The decisions that are made in courtrooms, whether to issue an order or not issue an order, how long it should last and what it can and cannot include, can be the difference between safety and danger and stability and crisis for these individuals. That urgency this year, most especially and quite tragically, is very real. In the first few months of 2025, Nebraska has experienced four domestic violence-related homicides, including two in Lincoln and one in my district. These are not statistics, they are tragedies. We have a responsibility to act in response wherever we can, and extending that same level of judicial flexibility for protection orders is a step in the right direction, and I'm grateful to the senators for-- on the Judiciary Committee for recognizing that. As it relates to what was previously LB141, Senator Rountree's bill, I would just note that this was supported into the committee amendment by a vote of 8-0 on the committee. We heard supportive testimony, obviously, from Senator Rountree, as well as the Nebraska Alliance of Child Advocacy Centers. Additionally, we had LB267, which is now also incorporated on the committee amendment regarding the Residential Landlord and Tenant Act. We had to make some tweaks there to make sure what we were accomplishing was what we actually wanted to accomplish. And once we made those tweaks, this bill also came out of committee by a vote of 8-0. We heard compelling testimony on this bill from survivors, from legal aid organizations, as well as housing representatives who described that this change can interrupt the cycles of abuse and provide a clearer path for those into independence. I would just note that obviously, this is a package designed to protect individuals going forward; there's no enhancement of any penalties in this package, and certainly would encourage your green vote on AM801, and ultimately on LB80. Thank you, Mr. President.

ARCH: Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Dungan would move to amend with FA89.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do appreciate the conversation we've had thus far on the importance of

these bills. This floor amendment was put up because I wanted to ensure that we could structure the debate and the conversation around LB80 and the subsequent amendment to keep it as narrow as possible. For those who don't know all my background, I, I was a women's studies major who did a lot of work on domestic violence while in undergrad. And I also, while in law school, worked at the domestic violence clinic where I worked both on the civil side of things and the criminal side of things, working with survivors of domestic assault. And so, I think these are very important issues to talk about, and I think it's really vital that we as a legislature take these things seriously. I do just want to say, however, that we have to be nuanced in our conversations surrounding these issues insofar as we cannot treat the criminal justice system as a hammer when a scalpel is the appropriate tool or remedy in certain circumstances. I've stood up multiple times before in talking about various issues on the criminal side of things, and I've made the point and I will continue to make the point that simply increasing penalties and simply, I guess, utilizing the criminal justice system to fix problems is not the answer. Where we should be focusing is education, support, and guidance on issues that surround a lot of things before us. I have some hesitations about Senator Hallstrom's bill. I appreciate some of the inclusion of Senator Rountree's, and so I will continue to look at the bill and have some conversations moving forward. This floor amendment was intended, essentially, to ensure there was nothing additional on this bill, and my understanding is there's not going to be any additional amendments that are on there, but I am going to continue watching this debate as we move forward. But I do think that we as a legislature need to ensure that we're doing everything we can to support survivors in a way that is actually providing support without necessarily pivoting to increasing penalties and doing things that make us feel good but don't actually have the added benefit of helping survivors. And so with that, Mr. President, I will withdraw my floor amendment and continue to listen to the discussion on LB80 and AM801. I will also withdraw any further amendments that I have on the bill. Thank you.

ARCH: So ordered. Turning to the queue, Senator DeKay, you're recognized to speak.

DeKAY: Thank you, Mr. President. I rise in support of LB80. I just wanted to provide a little bit more background on this bill. Last year, I was contacted by a constituent seeking to extend the time a protection order can be in effect. As a result, I introduced LB1098. LB1098 aimed to clean up, consolidate, and streamline existing

statutes pertaining to domestic abuse, sexual assault, and harassment protection orders by consolidating them under a single act, the, the Protection Orders Act. That bill would have also enabled a protection order issued under this act to be issued for an initial period of at least one year and no more than two years, set at the Court's discretion based upon the evidence presented. Unfortunately, LB1098 was unable to advance last year despite a good hearing due to other bills taking precedence in the Judiciary Committee. Last interim, more conversation happened regarding this legislation with the parties involved. Then, once it became apparent that I would be going off the Judiciary Committee, I handed the bill over to Senator Hallstrom, who might be a better lawyer than I am. LB80 is a good bill, and I am pleased it was able to advance out of the Judiciary Committee this year. I would encourage everyone to vote in favor of LB80, and I will yield back the balance of my time. Thank you.

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

BALLARD: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB80 and AM801. LB80 was my personal priority bill for this year, and I, I think this is important. As Senator Bosn and Senator Hallstrom said, we've had four incidents in Nebraska, and many of those in my community right here in Lincoln. LB80 I don't believe is going to be the silver bullet to these, to these, to these scenarios, but I also think it's, it's going to help that survivors of domestic violence do-- no longer have to live their trauma over and over again. These are mothers, daughters, not just statistics. And then, I think the, the Legislature has to do everything it can to protect these victims. The Judiciary Committee heard from many individuals, from advocates to end, end sexual and domestic violence to county attorneys. And I think when we can bring together advocates and technical experts, I think this is a job well done for the Nebraska Legislature. So, with that, I'd like to yield any remainder of my time. Thank you, Mr. President.

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

HALLSTROM: Yes, Mr. Speaker, thank you. I want to thank both Senator Ballard and to a lesser extent Senator DeKay for their remarks. Senator DeKay gave me a rousing endorsement of my talents as an attorney by suggesting I might be a better lawyer than he is. I hope that's the case. In, in standing up again for this bill, I think it's important to, to look at what we're effectively trying to accomplish. We're streamlining and coordinating the three types of protection

orders, and making sure that we have them all aligned with similar provisions. We've made an amendment that makes sure that we're doing that with regard to the types of orders that can be entered and the restrictions that can be placed on individuals who have caused harm and led to the issuance and entry of the protection order in the first place. I think with regard to, again, the extension of time that we're looking at for the duration of the initial entry or submission of the protection order, again, it's important, when we have victims who have had harrowing circumstances and situations that have arisen that have caused them great harm, put them in fear for their lives in some cases, that the court has the ability to extend up to a maximum of two years that initial protection order. Again, as I stated earlier, I believe it's important for the judges to have that discretion and for the victims not to have to relive the experiences any more than we have to. In fact, if I had my druthers, I would put a provision in that says that the renewal of an initial protection order can be extended for a longer period of time. But I have full faith in the judiciary that they can use their discretion wisely. We certainly have due process rights that we need to protect, and the existing law provides those types of protections for those who have a, a request for protection order entered against them. And I think as you look at the bill, Senator DeKay had introduced the bill last year, got it off to a good start. Unfortunately, there was not enough time to get that bill across the finish line. But we're continuing with his good work, and have expanded and improved on the bill with LB80. And again, I would encourage your support for both LB80 and the Judiciary Committee amendment, AM801. Thank you.

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

CONRAD: Thank you, Mr. President, and good morning, colleagues. I really want to thank my friend Senator Hallstrom and my friend Senator Bosn who chairs the Judiciary Committee, and the entirety of the committee for their hard work on such a critical issue. No doubt, I think one of the areas where we've been able to find a lot of common ground is working to ensure vulnerable Nebraskans and those impacted by domestic violence have the resources and tools that they need to stay safe, to keep their family safe, and to rebuild their lives. So, we've worked together on Senator Bos-- my friend Senator Boastar's bill to provide some additional financing and resources devoted to housing options to help DV victims and their families, which I think is a really notable success thus far this session. And I think probably 95% of what's in LB80 is fantastic and is really smart to bring greater efficiency and effectiveness to related but disparate

programs. I think that can help with judicial efficiency, I think that it will be of great assistance to vulnerable Nebraskans, many of whom are pro se and trying to work their way through a complicated legal situation. But I, I do think either today, or perhaps from General File to Select File, there may need to be a few modifications in terms of how the length of the initial order is decided, under what criteria as that is a pretty significant jump; how that impacts renewals, and also any implications for reform of the orders once ordered, or rescission thereof. A lot of times, in these incredibly fraught personal situations where the parties have to turn to the courts in order to ensure protection, there's a lot of aspects of the parties' lives that are intertwined, whether that's related to their housing, their children, and a, a host of other issues. So, I do know that at times-- and I believe this came out at the hearing level as well when I quickly had a chance to review the transcripts, this has popped up somewhat in, in my practice over the years, and has impacted different constituents that have contacted my office-- is that two parties will have a protection order entered, and that will govern the, the contact related to the parties moving forward. But then sometimes, the petitioner, for example, might reach out to the person who the protection order was entered against and make inquiries about logistics on moving out of the family home, or start to ask questions about, you know, the logistics of kid pickups or family-related things. And in and of itself, technically, even when the petitioner would, would reach out, that could be a violation of the protection order. Of course, it wouldn't make any sense to prosecute that, and many times you don't see prosecutions of that for good reasons, and grounded in prosecutorial discretion. But sometimes, the person who the order is entered against will respond in very mundane terms on something like a simple logistical matter, and that is really seen, I guess, as kind of from a strict scrutiny perspective, a strict liability perspective, that that would be a violation. And so, I'm a bit concerned about how this works out for enhanced penalties on some of the orders before us, what that means kind of in general, how that takes into account some of these non-confrontational, non-abusive communication kind of things that may even be prompted by the petitioner themselves, and that can very quickly escalate, even without criminal intent, to pretty serious consequences. So, I'll be happy to work with the parties on that perhaps a, a bit more.

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: Senator Storer, you are recognized to speak.

STORER: Thank you, Mr. President. I just want to take a minute to rise in support of LB80 and AM801. I-- having served on Judiciary and got to be part of some of the thoughtful discussions, hear the testimony, was voted, voted all of these out of committee with strong support. Certainly, domestic violence is often an unrecognized, unspoken evil in our world. I think that all of these-- all of these measures are going to go a long way to continuing-- continue to strengthen the protections for both men, women, and children. So, with that, I will yield the rest of my time. Thank you.

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

HALLSTROM: Thank you, Mr. Speaker, members. Certainly glad that Senator Conrad came back and suggested that we might have some work to do between General File and Select File. The body can rest assured that we have tried to do some work, both before the bill was heard in committee, after the bill was heard in committee before it was advanced to General File, and since that time. I've attempted to work with the parties on both sides of this issue, and we have made a number of suggestions as to how we might be able to address the pushback that we received from the bar association and the criminal defense attorneys with regard to the duration of the initial protection order. And if I haven't already, I want to make it perfectly clear for the record: the judiciary, the court, the judge has the ability and the authority to, in its discretion, in his or her discretion, to determine how long that original protection order is going to be granted for. Again, I'll repeat-- not trying to be redundant, but I think it bears repeating-- that I have full faith in the judiciary to do the right thing, to exercise their discretion in a judicious manner and to make the right decision in protecting both the rights of the person that's seeking the protection order and the person against whom it is going to be potentially entered. I sat through the Judiciary Committee hearing the first time, and I was a little bit astonished at the level of the arguments that were being made by those that represent both the bar association and the criminal defense attorneys in that they-- in that they were questioning the ability of our judges to make decisions and to use their own best judgment and discretion to determine exactly how long the original protection order should be issued, the timeframe for which it should be issued. In addition, the criminal defense attorneys on at least two more occasions came into the Judiciary Committee on other bills. They happened to express their opposition to this one, unfortunately. But

they had bills that they supported. And guess what? When they came in before the Judiciary Committee, they'd had an epiphany because, on those bills, there was judicial discretion granted. One of them, as I recall, was for post-release supervision; whether or not we had to have a minimum time for post-release supervision or remove that particular requirement. And, lo and behold, when they supported that, they thought that judicial discretion was the best thing since sliced bread. I'm sorry, but you can't have it both ways. I, I agree with their latter position, and that which is embodied within LB80 and now AM801 which basically says that the judges are going to be given the discretion to go beyond what currently is allowed, which is a one-year period, and the discretion to go up to a maximum of two years. And as I indicated, if I had my druthers, I would also extend the period for which the renewal is to be granted. In fact, that was one of the options or alternatives that we talked about, is if we're not going to renew or provide for an extended period for the initial submission, that perhaps an alternative that was thrown out there for consideration by the parties was to allow for the renewal to be issued for a longer period of time. That did not come to fruition. The parties could not reach agreement on that, and, quite frankly, I prefer the approach that we're taking in LB80 and AM801 as introduced. And Mr. Speaker, could you tell me how much time I have left?

ARCH: 45 seconds.

HALLSTROM: Probably counting down 44, 43, hoping I'll be done here pretty soon. But I will try to take the rest of my time. And again, I, I think that the bill should move today. If not before lunch, it should move shortly after lunch. And it would be my request-- my fervent request for the body to support AM801 to LB80, and then the advancement of LB80 to Select File.

ARCH: Seeing no one left in the queue, Senator Bosn, you are recognized to close on your committee amendment.

BOSN: Thank you, Mr. Speaker. Again, I would ask all colleagues to support AM801 as well as LB80. Happy to answer any questions that some of you may have. I missed some of the floor debate, so I apologize. But I would ask for your green vote. Thank you.

ARCH: Colleagues, the question before the body is the adoption of AM801 to LB80. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

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

ARCH: The amendment is adopted. Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Storer, I have FA44.

ARCH: Senator Storer, you are recognized to open.

STORER: Thank you, Mr. President. I would move to withdrawal-- withdraw FA44.

ARCH: So ordered.

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

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

HALLSTROM: Yes. I want to thank the body for their patience and listening intently this morning. Third time's a charm. I would ask you once again for your support of LB80 advancing to Select File, and thank you.

ARCH: The question before the body is the advancement of LB80 to E&R Initial. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

CLERK: 35 ayes, 1 nay on advancement of the bill, Mr. President.

ARCH: LB80 does advance. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Judiciary chaired by Senator Bosn reports LB669 to General File. Additionally, amendments and motions to be printed from Senator McKinney to LB382 and Senator Dungan to LB3-- excuse me, LB80. Notice that the Appropriations Committee will meet in Room 1003 at noon. Appropriations, 1003, meeting at, at noon. And the Referencing Committee and the Executive Board will meet in 2102 upon recess. Referencing, Executive Board, 2102, upon the noon recess. Finally, Mr. President, Senator Juarez would move to recess the body until 1:30.

ARCH: You've heard the motion to recess. All those in favor, say aye. Opposed, nay. We are recessed.

[RECESSED]

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

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

ARCH: Thank you, Mr Clerk. Do you have any items for the record?

CLERK: I have no items at this time, sir.

ARCH: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda. Mr. Clerk.

CLERK: Mr. President, General File, LB632, introduced by Senator Hansen. Senator Spivey would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

ARCH: Senator Hansen, you are recognized to open on the bill.

HANSEN: Thank you, Mr. Speaker. LB632 is a bill that requires health care facilities who perform elective abortions to provide for the dignified and safe disposition of human remains after an abortion procedure. I'm trying to keep this simple as an explanation. Nebraska law in Section 71-2121 already requires that every hospital in the state have a policy for the proper disposition of the remains of any baby at any stage of gestation who has died in utero. This policy is not only after 20 weeks or 12 weeks or 6 weeks, it is required for any baby at any stage or gestation. Any baby that is miscarried or stillborn in a Nebraska hospital must have its body cared for and have its final disposition properly arranged. We have done this since 2003 to protect the public health and welfare by providing for the dignified and sanitary disposition of the remains of human fetuses in a uniform manner. We all would agree with the importance of both of these categories. Public health specifically is a standard set by many statutes when it comes to policies and health care facilities. The inconsistency here comes when we look at the cause of death. If there is a spontaneous abortion, regardless of the duration of pregnancy, the remains are treated humanely and securely for public health reasons. But if there is an elective abortion, our current statute makes an exception. No policy is required. There is no consideration for either the dignity of the remains or the safety of public health. However, in both cases, the remains are the exact same. Nothing differs in the body of a baby between an elective or spontaneous

abortion. The only difference is the cause of death. This legislation, LB632, would give any health care facility in Nebraska that performs elective abortions the responsibility to arrange for the disposition of aborted babies' remains by burial or cremation. This is the same standard for all other remains of the same content. Like I said, the first reason for this is public health. Failure to provide for proper and safe disposition of human tissue and blood presents risks to the natural environment and the health of the general public by contamination of air, soil, and water. Existing law is in place partly because of the need to protect against these dangers. On the contamination of water particularly, the World Health Organization states that improper disposal of so-called health care waste including human tissue, poses health risks through the release of pathogens and toxic pollutants in the environment, including through the contamination of drinking, surface, and groundwater. Where chemical disinfectants or drugs are present in human tissue and blood, as is common in an abortion situation, the presence of these elements presents its own environmental issues if not properly disposed of. And where air, soil, or water is contaminated, it is self-evidently a public health risk. The second reason for the proper disposition of fetal remains is the fact that these are human bodies, and as such they deserve to be treated with some measure of human respect. All of us understand the need and desire to treat dead bodies, including the bodies of miscarried and stillborn children with dignity. All of us understand the horror that is felt when a human body has been subjected to indignity, desecration, and neglect. Both reasons, public and environmental health, and the basic respect due to the bodies of the dead are as applicable to the tissue and blood of children who have died by elective abortion as to babies who have died from natural causes. On average, there are more than 2,000 abortions in Nebraska per year, though not all elective abortions are completed inside a licensed facility, some of them are. In those circumstances, it makes sense to require that these bodies are cremated or buried to protect against environmental and public health risks. It is just as important, or even more, that their dignity is recognized and that bodies are treated with some measure of human respect. I'd like to address some of the feedback I'm hearing from inaccurate information that was spread about this bill. LB632 follows what 15 other states do. And we did mirror this after Minnesota. And if people are familiar with the state of Minnesota, they-- I, I would believe if you had to classify, it's probably one of the most pro-choice states in the country. But they did have good language when it came to the proper disposition of remains after an elective abortion. So language we have

here, very similar to what they have. And they've had theirs in the book since, I believe, the early '90s or '80s. And it does not impose any duties or liability on the parents of aborted children. It is also simply not applicable in a situation where an abortion is completed in the home. I worked with the opposition to come up with language in AM616 to clarify this. The only duties imposed by current statute is on the health care facilities to create safe and dignified policies. Pertaining to the amendment that will be coming up here, AM616, the, the, the opposition did make a good point about making sure that this does not pertain to a chemical abortion. So we had language in there that said performed in a health care facility, but that can have, you know, misconstrued language so we put completed and performed in the facility. So we're not dealing with women who have a chemical abortion at home. They don't have to come in and dispose with the remains a certain way. LB632 follows this process and applies only to the health care facility at which the abortion is performed and completed. We can all agree that human bodies deserve to be treated with human respect. We can agree on the importance of safe and effective practices to protect public health. And that's what LB632 is all about. And I did just for a couple minutes here also want to address some opposition that I'm still trying to-- I think maybe know where they're coming, but this is, I would believe, misconstruing the bill and having not an understanding of what the bill is actually trying to accomplish. They believe that it will add, somehow, unnecessary financial burdens on the facility which would increase health care costs, therefore making it more difficult for someone to get an abortion. There are actually facilities or funeral, funeral homes, Catholic cemeteries, who will actually free of charge come and help pick up the remains and take care of them. This is not an unusual request, this is the same thing that hospitals have to do. They have contractual-- they have contracts with funeral homes, cremation facilities, they come pick them up, or they deliver them, and we take care of the human remains in a safe and dignified manner. Some are concerned about the legality of this language that's in here, similar to maybe what's happened in Ohio, where Ohio, they found that their language is unconstitutional. However, their constitution is not the same as ours. Theirs have-- their language in their constitution specifically says that you have-- you cannot put any undue burden on a abortion. And so that's where their bill was found unconstitutional. We don't have that language specifically in our constitution. And it is not unusual at all to use the term "unborn child" in statute. We use it throughout all forms of statute. Some people feel like this is maybe not the right kind of language to use because it, it might make it sound like something it's

not. But we use this when it comes to assault, murder of an unborn child, all other kind of statute when it comes to abortion. When you have to get an ultrasound determining the age of the unborn child. So there's lots of areas where we use that terminology. There's also concern that this might somehow shame women who go to an abortion facility. I want to, I want to reiterate this fact. This bill has nothing to do with increasing informed consent, with telling the woman who is getting an abortion about what's going to happen, about what she wants to do. Again, that's what Ohio's bill did. Theirs went way farther than mine did. We're not increasing or, or decreasing a woman's right to get an abortion with this language. We're just saying what happens after the elective abortion procedure and how those remains are disposed of. We have no other areas in the statute-- we have no areas in statute where that, that talk about this. We have it for hospitals, we had it for funeral homes, we've had it disposing of dead bodies, we have it for human tissues. So we have it all throughout-- throughout all areas of statute except when it pertains to this. Just felt it was time to maybe put it in there to make sure that these are being disposed of in a proper manner for public health risks, but also make sure they're done humanely. I don't think that's too much to ask for, and I don't feel like we're putting any undue burden on women getting an abortion or intimidation somehow, or increasing the cost so much that they can't get abortions anymore. And so the idea that this, that this is effectively a procedural abortion ban is completely false. They're saying it because it's going to drive up health care costs so much that we are unable to get these, these types of treatment. So that is untrue. And I was going to leave some time to my, to my colleague Senator Lonowski since he prioritized this bill, but I don't know for sure how much time he's going to have left. So we'll push our button, we'll bring that back up again later. Thank you, Mr. President.

ARCH: Senator Spivey, you are recognized to open on your motion to indefinitely postpone.

SPIVEY: Thank you, Mr. President, and I rise in opposition of LB632, and I have filed this motion to indefinitely postpone because this bill is another backdoor attempt to ban abortion in Nebraska. There are already laws in place for any provider handling tissue, including pregnancy tissue, which I just had all of the pages pass out to you all so that you can read. And, again, last year there were two ballot initiatives during the November 2024 cycle that were competing around abortion access. One would restore access to what we had under Roe v. Wade, a very commonsense policy. The other one would codify a 12-week

ban. When anti-choice activists ran that competing ballot initiative to make Nebraska's 12-week abortion ban permanent in state constitution, they reassured the public that the initiative was a compromise that would settle the issue of abortion in our state. However, we are back, yet again, debating a bill trying to chip away at abortion access. Just like with paid sick leave and minimum wage, this body is not respecting the votes of Nebraskans. I support access to abortion care and did not bring a bill to restore care. Though I did not like the results of the ballot initiative, I am not trying to undermine the November 2024 election with backdoor policy. LB632 is about burdening abortion providers and patients, and that is why no other provider that deals with medical or pregnancy tissue is actually listed in the bill. It is about shaming and stigmatizing care, and it's about removing patient's control over their own health care. It has absolutely nothing to, to do with improving the health and safety of Nebraskans. Instead, LB632 is an attempt to put abortion care further out of reach for Nebraskans. I have said this before on the mic numerous of times that there are real issues that are in front of our state. And, yet, in this body, in the cycle again, we are here discussing access to care and reproductive well-being. I believe that people need access to the full spectrum of care for reproductive well-being without barriers. Laws like LB632 might seem harmless, but this bill puts undue and heavy burdens on abortion providers and patients accessing care. By mandating the only abortion care providers bury or cremate any pregnancy tissue resulting from a so-called elective abortion, LB632 would make it nearly impossible to continue to provide access and care. This-- the requirements in this bill would be difficult or impossible for providers to comply with and, at minimum, would be prohibitively expensive to implement. And that is exactly the point of this bill. While there is no fiscal note on the bill, we as a body have talked about the unintended consequences and costs when we pass legislation. The cost to the abortion providers will be extensive, ultimately banning abortion in the state. I want to talk a little bit about what the supporters and proponents of this bill will say. Proponents of this bill will say that it's about protecting human dignity. This cannot be further from the truth. LB632 only applies to elective abortions, not spontaneous abortion or miscarriage, which the bill doesn't even define. Other medical providers who provide care for miscarriage management for infertility treatment are not required to follow the same burial or cremation requirements as outlined in this bill. If the true concern behind this bill was human dignity, the burial or cremation requirement would apply to every medical provider who deals with pregnancy tissue, not

just abortion providers. Instead, LB62 [SIC] singles out these abortion providers and, and, specifically, so-called elective abortions. The reality is LB632 disrespects patients by essentially opposing a funeral requirement for abortion. The bill imposes a religious or spiritual view on a patient regardless of how they feel or what they believe. This is not about how you feel about abortion. I am not here to change your mind and you will not change my mind. No matter what you personally believe about abortion, imposing this type of requirement without the patient having any say in the matter is wrong and furthermore insulting. This, again, coming from people that have no reproductive system making decisions about my health care and access and the processes. Proponents will also say that the bill is about protecting health. Number one, if senators wanted to protect public health, there would be bills put forward to protect funding and expanding public health in the state, not cut and gut. As we get to the budget bill, we will see that public health is under attack. We will see that there are budget line items to remove funding from public health. I have not seen any other folks in this body put forward bills to address public health and the full comprehensive nature of public health, so this again is not true. Nebraska already has extensive regulations for the disposing of medical tissue, including pregnancy tissue, which, again, I have passed out to all of my colleagues on the floor to be able to read that process and procedure. Outside of the numerous facts I outlined about LB632, it is unnecessary because Nebraska Department of Environment and Energy, the experts, have that policy outlined around what you do with that pregnancy tissue. So, again, this is not about public health and our environment and our water. Health care providers already have requirements to dispose of medical tissue in a safe, sanitary, and respectful manner. That is what the policy says. Abortion providers are already following those same regulations. They are not doing anything different than any other health care provider that touches medical tissue, including pregnancy tissue. LB632 treats providers that offer abortion care differently and subjects them to higher costs, more administrative hurdles, and unnecessary restrictions. Again, effectively banning abortion access in Nebraska. It is going to ripple to cause undue harm to that patient. And if environmental harm was a true concern, again, this will apply much more broadly to health care providers who deal with pregnancy tissue and any kind of tissue at that point. What happens when you go to a physician for a specific surgery? Again, I talked about this, I had my thyroid removed. So why isn't it for those elective surgeries too? This only has a finite viewpoint and it does not truly address if there was an actual concern

around environmental safety, around medical tissue, and including pregnancy tissue. In the committee hearing on LB632, the original introducer of this bill claimed that other health care providers are required to bury or cremate fetal tissue. This is not accurate. Our statutes do not touch on health care providers who handle stillbirths, but they simply require that the health care provider has a policy of some kind. There is absolutely no requirement for burial or cremation. Mr. President, can I have the gavel, please? Thank you. And if the intent was to include abortion, it would have not-- it would have done so through the existing statute and not be required to have a separate policy on the books. It would have been included in the existing statute that we already have. I also want to mention and discuss the committee amendment to the bill, AM616, which may be on the board later. AM616 excludes medical abortion and limits, and limits the bill to procedural and clinic abortion. Even, even limiting the bill to procedural abortion is still devastating to Nebraskans who need access to care. Not everyone can have or wants to have a medical abortion. So while I do not support this bill in its entirety, AM616 makes a terrible bill a little less horrible. Some people need procedural abortion for medical reasons, including individuals who have certain health conditions, those may be navigating abusive relationships who need a single visit option, or experiencing pregnancy complications. I will definitely talk more on the mic a little bit, a little bit later as well. By putting procedural care out of reach for these patients, this bill could leave them without any option and access to care. LB632 would also make our current-- excuse me-- exceptions for rape and incest completely inaccessible. Let me say this again. LB632 would make our current exceptions for race-- for rape and incest completely inaccessible. Anyone who qualifies for an exception to receive an abortion under Nebraska law after 12 weeks must receive a procedural abortion because medication is only approved by the FDA to be used until 10 weeks of pregnancy. This would mean that victims of rape and incest and those with medical emergencies will be unable to receive an abortion in Nebraska, which Initiative 434 passed by the voters included. Lastly, LB632 creates a dangerous precedent by treating tissue at any stage of pregnancy as human remains. We've seen this happen in Alabama and it creates the personhood argument. So I will be on the mic later to expound on these arguments and facts because I think it's important to know what's in front of us. And we have to stop LB632. It's a backdoor way to ban abortion, and I'm disappointed that this body is bringing this forward when we have real issues that we can be solving for our neighbors and Nebraskans instead of trying

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to further regulate and erode what the voters said around abortion access. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good afternoon, colleagues. I rise in favor of Senator Spivey's indefinitely postpone motion and opposed to LB632. I appreciate that we're going to have, I think, a long conversation about this today because I think it's an important thing for us to discuss. But that being said, I just want to start the conversation here today by saying I think this is yet another bill where we are seeing an attempt for big government overreach into the personal lives of everyday Nebraskans who are just trying to deal with heavy personal issues and serious issues that are, frankly, issues that best left between an individual patient and their doctor. And I've now been in the Legislature for 3 years, this is my third session, and we have every single year seen this Legislature step up and try to insert itself into the personal decisions of everyday Nebraskans. And I think that Senator Spivey is spot-on when she identifies all of the issues, which I know we're going to hear about more in greater detail with this bill, not the least of which is simply what it says to Nebraskans. We got an email from an individual, all of us senators, I hope you all read it, from an individual, and I just want to say to those watching at home I'm going to talk about some I guess heavy issues here specifically rape for just a second. So if that makes you uncomfortable, I just wanted to make that clear. We got an email from somebody who's a military vet and she said I'm a no on LB632. Having had an abortion after being raped while in the military, I can say that I didn't care what they did with the remains of the darkest period of my life. You victimize rape victims all over again by doing this. You have shown no care to how we feel and not victimizing us all over again with the reporting of rapes. I didn't report that one or the other one after I got out of the army due to how victimizing it is to report and feel like you did something wrong when you didn't. Show care to us by doing better with how reporting is done and actually doing something about rapists. The reason I read that, colleagues, is not just to be shocking, but it's to indicate that bills like this deal with really serious personal issues. And I think that some folks, when they are talking about this bill, they bring it up as though it's just a cleanup bill, or it's a small thing, or why wouldn't we do this? But the result, the impact that LB632 has on everyday Nebraskans who are making what probably is one of the more serious decisions of their life is great. And what we do with LB632 is we create the possibility of further harm to individuals who have

already been through what is an incredibly difficult time. So I just-- I read that to situate this conversation in the context that we're not doing something small. We're not just codifying the current practices or putting the current practices in line with what we think they are in other states. We're making a policy decision. And that policy decision that we're making says something to Nebraskans. So, colleagues, I want to be very clear that this is a very serious bill. And I hope that we treat it as such as we debate today and people are actually paying attention to some of the conversation and then the debate that we have because I think that it matters. The other thing I wanted to say before I dive into some other topics, and I might run out of time here and have to punch back in, is this is yet another issue where I don't think it is incumbent upon us as a Legislature to act, but specifically not for us men to act and to tell people what they can or can't do with their bodies or to create further hurdles for them to jump through in making those decisions. Oftentimes, you see people stand up in this Legislature and say I think this, I think that, I feel this way, I feel that way. And that's what we're sent here to do. We obviously have opinions and we have, we have votes we have to take. But this bill represents, I think, yet another attempt of men telling women what they can and can't do with their bodies and, specifically, creating mental gymnastics they then have to jump through once they've made those decisions. And, frankly, colleagues, I don't think that's our role. I don't think that's our job as legislators. So I believe that we should stay out of the business of people's everyday lives when it comes to these kind of issues. I believe we should be in the business of supporting people making tough decisions, creating situations where we have, as we've done in the past with other bills, healthy moms, healthy babies, healthy living situations. We can find ways to support people that don't create these problems and that don't have these hoops to jump through. And so if your true goal is to try to create a healthier, safer Nebraska, invest in health care,--

ARCH: Time, Senator.

DUNGAN: --invest in housing, and make the right decision. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And, again, I echo your sentiments, Senator Dungan, that this is a serious bill, and this is a serious motion that I put up. I took a lot of thought into the consideration

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and the impacts that it has, and so I would like my colleagues to, to, to seriously consider that. I was wondering if Senator DeBoer would yield to a question.

ARCH: Senator DeBoer, will you yield?

DeBOER: Yes.

SPIVEY: I know we had a quick conversation off the mic around you hearing something related to this in Judiciary and would love if you would expound on that.

DeBOER: Yes, Senator Spivey, earlier this year we had a bill from Senator Dorn that involved-- well, we ended up with an embalmer in the, the testifier chair talking to us about embalming and Senator Holdcroft asked a question about the embalmer to explain the process of embalming, which is maybe more than I wanted to know, but nevertheless. And the embalmer described putting embalming fluid in the place of blood. And so Senator Holdcroft said what happens to the blood when you put the embalming fluid? And the embalmer said, it just goes down the drain. So I thought it was quite interesting when we're talking about, you know, safety and waste and that sort of thing, that with adults-- so I looked it up, what happens in Nebraska, it says that dead human bodies can be interred, cremated, removed from the state, donated or disposed of as determined by the right of disposition. And that right is given usually to the next of kin where they can decide of what to do-- I mean an adult, a child, whoever, they get the right to determine what to do with that body and there is no requirement that they separately cremate it or any of those sorts of things. So with respect to public health, it seems that we're not really mirroring what we already have in place with respect to other human tissue.

SPIVEY: Thank you, Senator DeBoer, and I appreciate you providing that context. And would also like to add of what currently happens with fetal tissue and how is that managed by abortion providers. And so there is an actual process that is aligned to the current standards within NDEE. And so they are following every procedure that any other medical provider that touches fetal or pregnancy tissue follows. So that would be your fertility clinics, that could be an OB, and so they are already following the statutes and policies and practice that are already in place. They are not doing anything different. So they are-- in this bill, LB632, creates a policy that is not respectful of that patient. It is unnecessary and burdensome and, again, creates a carve

out for a type of provider ultimately to ban abortion in our state. I want to revisit a few comments that I didn't have time for in my opening around the precedent that is set by treating tissue at this stage as human remains. If you look at the language in the bill, it says unborn baby, some other language, which is a very slippery slope that erodes the rights of pregnant Nebraskans. As we have seen in other states, and I mentioned this earlier, like Alabama, there has been a-- there has been broader implications, most alarmingly that could really affect and make IVF illegal in Nebraska by treating the products of fertility treatments as a fully developed person. LB632 would essentially require abortion providers to meet funeral requirements for that fetal tissue in that way. And so if those funeral requirements create a precedent for future laws that then can ban IVF, that can then ban miscarriage management, and that then can ban the treatment of ectopic pregnancies, for example, that really endangers the lives of pregnant Nebraskans. I will get on the mic again and talk about what Texas has seen with their 6-week abortion ban and how many deaths have been actually linked to that policy. So, again, decisions about abortion should be left to patients, their families, and their health care providers. We need to respect a person's ability and right to make those deeply personal decisions for themselves without shame and unnecessary interference from the State Legislature. With that, I urge you to vote yes on my IPP motion and vote no on LB632 and I will be back in to continue this conversation.

ARCH: Senator Riepe, you are recognized to speak.

RIEPE: Thank you, Mr. President. I rise with concern regarding LB632. I am-- bear with me as I get my notes here. Thank you, sir. I will, I will speak with Senator Hansen regarding an amendment to assure that women are given options, if you will. I feel more options should be afforded to them. And I do support Senator Dungan's notes about-- or his comments about how very serious this particular issue happens to be. I am not a supporter of abortion, but they are a reality in our cultural environment and will be for the foreseeable future. In 2016, I introduced legislation that became law. The legislation provided for issuance of a certificate should the family choose, but it is-- it acknowledged the miscarriage, but is the decision exclusively of the individual or individuals and not a mandate. While on the staff at Bergan Mercy, an Omaha Catholic Hospital, twice each year we held a formal funeral service and burial across the road in Calvary Cemetery, but it was never mandatory and it was totally with the full permission of the families. We have many babies at Bergan Mercy who are not Catholic and our share of miscarriages along with all of those

[INAUDIBLE]. Everyone grieved in his or her own way, given the very personal and most emotional nature of this situation. As we all know, no two situations are the same. Given that, I do not believe that this law is necessary given existing state regulations and all hospitals and clinics are required to perform in certain regulations and state oversight. I will talk with Senator Hansen about the potential for an amendment. And with that, I would-- I'll yield any of my time to Senator Dungan, if he'd like to have it. Would you like to have it?

DUNGAN: Sure.

ARCH: Senator Dungan, 2 minutes, 10.

DUNGAN: Thank you, Mr. President. I wasn't expecting that, Senator Riepe, but I do appreciate the additional time. Obviously, the queue is very full today, so we might not get too many times to speak. But I wanted to touch on just two other potential problems that I think are easily identifiable with LB632, which both fall into sort of a legal challenge that it might have. First of all, the Ohio piece of legislation that Senator Hansen was referring to does currently fall under, I guess, some legal problems with regards to their constitutional amendment under the state constitution. But the original bill was actually enjoined almost right away in 2021, I believe, because it was found by a court to essentially be overly vague. And in the event that there is sort of this, this vagueness in a statute, sometimes the bill can be enjoined for constitutional problems when it makes it almost impossible for a court who would have to decide whether or not somebody's in violation of that law to, I guess, tell what the law actually means. So I'm sitting over here chatting about the bill with a couple of other senators, and there's just some questions that have come up as to what does and does not fall under the statute and what some of the various definitions mean. Now, granted, those are conversations we can continue to have on the mic, and I, I assume Senator Hansen and others will speak to that, but a bill of this magnitude that certainly, I think, has this-- the large of an effect and creates a criminal penalty, make no mistake about that too, colleagues. Having just one page, I think just a few paragraphs, to define sort of the parameters of that legislation to me does appear very vague. In addition to that, it does treat some medical providers differently than other medical providers with regards to how they handle tissue that both might be actually handling. And so I do think there's also the possibility of some problems being raised under an equal protection argument. And so I anticipate we'll continue to have that conversation. But, yet again, I

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think it suffices to say, this is a very short piece of legislation with wide-ranging and rippling effects, which we cannot just overlook. So, Senator Riepe, I appreciate your comments and I appreciate the time.

ARCH: Time, Senator.

DUNGAN: Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President, and thank you, Senator Hansen, for bringing this bill. A few years ago, the revelation of the bodies of 115 aborted babies allegedly discarded by a Washington, D.C. abortion clinic was intercepted, has again highlighted the often undignified treatment of aborted children. On average, 1,700 abortions take place in the U.S. every day, more than 600,000 aborted fetuses per year, according to government figures that are available. Our concern here is what happens to the remains of those babies. Here's what we know. The absence of regulations in many states means aborted babies can be treated as medical waste, but several states mandate cremation or burial, reports around of aborted babies being found discarded in dumpsters, in landfills, and, and even those flushed down toilets. There have been other reports of fetal remains being incinerated along with other medical ways to produce electricity. Without regulations, medical practitioners are free to dispose of human fetal remains by incineration with medical waste, by dumping in landfills, or even burning the remains to generate energy, according to Americans United for Life. Many states do regulate the disposition of fetal remains in some fashion, but the laws are often archaic and scattered throughout a variety of state codes, regulations, and statutes. That according to the Charlotte Lozier Institute. Alabama, Arizona, Arkansas, Idaho, Indiana, Louisiana, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Texas, and Utah, all laws on the books requiring that aborted babies are cremated or buried. The federal government and many states have laws prohibiting the sale and purchase of human fetal remains. Several states have legislation that prohibit the entirety of sale, transfer, or the use of fetal remains for research. These include, but are not limited to, Alabama, Arizona, Idaho, Indiana, Louisiana, Michigan, South Dakota, and Wyoming. There's no federal law regulating the dignified treatment of fetal remains, though a bill is under consideration. Why are fetal dignity laws needed? Fetal dignity laws are needed for many reasons. Recent discoveries of aborted baby remains being bought and sold for experimentation in laboratories,

grafted under mice, and held in jars as souvenirs have provided additional insight into the abortion industry's high disregard for the human dignity of fetal dignity laws. It is crucial to start affirming the humanity of the unborn in the law. Fetal dignity laws help shape a culture that honors and respects the unborn by acknowledging their humanity and affirming the dignity of each life lost through abortion. This bill does nothing to limit one's right to abortion. There has been some misinformation. In fact, some of the misinformation came from nonprofits whose job it is to make sure reproductive rights are limited. The abortion facilities do not need to confer with the aborting women. They will simply handle the baby properly. They take care of the aborted fetus as it should be. Senator Riepe talked about a funeral home. There are other funeral homes I know of in my area where they simply take the remains and they wait and when they have enough, they do a proper burial and they do small service for these aborted remains. If clinics are already abiding by these rules, why would there be so much opposition to this bill? Thank you, Mr. President.

DeBOER: Thank you, Senator Lonowski. Senator Hunt, you're recognized.

HUNT: Thank you, Madam President. I rise today in strong opposition to LB632, a bill that on its face is meant to be seen as health care regulation or about public safety. You know, Senator Hansen said public health, which when he said that I would like to see the evidence that fetal tissue remains are more dangerous to the public health than fluoride. But it's important that we take time to be precise here. This bill is full of ambiguity. It contains really vague directives, undefined terms, unclear enforcement mechanisms. And if we want the law to work, that's a problem. And they aren't just technicalities. It's the foundation of what makes a law constitutional, enforceable, and fair. So what worries me about this bill is how it will actually work in practice. First, the issue of disposal. LB632 mandates that remains from an elective abortion must be cremated, buried, or otherwise disposed of per rules adopted by the Board of Health. But nowhere in the bill does it define what constitutes fetal remains. So it, you know, kind of begs the question, is this applicable to a 6-week gestation where there is no discernible fetal tissue at all? Is this meant to apply to a medication abortion that happens at home, where a patient might not even return to the clinic? What about tissue that is sent to pathology, which is standard medical practice in many clinics and hospitals? You have to ask, will that require separate ceremonial handling? Will clinics need to contract to funeral homes? The introducer talked about some of those

questions, but the fact is it doesn't matter what his opinion is on the record that he said. What matters is in the text of the bill. And the text of the bill is vague and unclear about that. And that means providers will be left guessing. When providers are unsure about what the law requires, one of two things happen. They either stop providing care altogether or they over comply in ways that are burdensome, that are expensive, that don't result in any better outcome for patients. And either outcome, colleagues, is bad policy. Either outcome leads to bad results for Nebraskans. My second concern, and I'll tap back in, because I don't know if I'm going to finish my thoughts here, but the second concern is that this bill creates a new legal exposure for medical professionals. Section 4 of the bill allows any person to bring a civil action for failure to comply with the disposal requirements. So think about that. We're not just giving the right to sue, not just to a patient or to someone with standing, but to anyone. And that's a huge exposure for legal liability and one that would chill providers from doing even routine reproductive care. And this opens the door to harassment lawsuits from politically motivated individuals or organizations. And that's not a hypothetical. We've seen that strategy deployed in other states with abortion bounty laws and so-called whistleblower enforcement, and Nebraska should not follow that lead. Honestly, I think that's something that proponents of the bill are probably aware of and probably like about the bill. People call it a backdoor abortion ban, but I'm concerned it's also a backdoor abortion bounty law that will allow politically motivated actors to file these politically motivated lawsuits, which, again, not only puts providers in danger, but really ends up targeting patients who just need to be left alone, who just need to recover from, you know, a medical procedure and just need to move on with their lives. And then what about Section 5, where Attorney General can bring enforcement action and levy fines up to \$2,500 per violation. Again, we have no guidance on what a violation even looks like. Does that require documentation, recordkeeping, a signed attestation from a patient? What happens if a patient doesn't want to participate, doesn't want this to happen to their remains? The section gives the Attorney General broad authority to enforce the law and levy fines up to \$2,500 per violation. But nowhere in the bill does it say what a violation is. It doesn't say what kind of documentation a provider needs to keep, how long they need to keep it, or what kind of evidence the Attorney General must present to prove noncompliance. So there's no rules of the road here, there's just the threat of enforcement. And this feels like another bill where the introducer has an idea based on, you know, a flavor of morality, but the actual enforcement and

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implementation of the bill through the language is not workable. Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Senator McKinney, you're recognized.

McKINNEY: Thank you, Madam President. I rise in support of the motion to IPP and against LB632 and I'll yield my time to Senator Spivey.

DeBOER: Senator Spivey, you're yielded 4 minutes, 50 seconds.

SPIVEY: Thank you, Senator McKinney, and thank you, Madam President. So I wanted to revisit some of the conversation around what other states are doing, as that has been cited. And so most states that were cited have an abortion ban. They have clearly outlined when someone can access abortion care and what does it look like. And so, for example, for Arizona's law. Arizona's law was a part of a large bill that had numerous restrictions to access to care in Arizona. Part of the law was challenged, but the burial cremation requirement was not challenged and still in statute. There is not a requirement for individual disposal of fetal tissue. In Georgia, the law passed in 2005, and there's no requirement for individual disposal of fetal tissue. In Louisiana, abortion is banned and only allowed in very limited exceptions. Minnesota, as it was brought up, was challenged in 1990, actually by Planned Parenthood, who, by the way, is the only provider that does procedural abortions. So, again, when we talk about what does this look like, it's impacting one abortion provider that is giving access to our state. When that was challenged in 1990, it also recently challenged the, the recent 2023 Doe v. Minnesota case, and it was ultimately not struck down with other regulations, and there is no requirement for individual disposal of fetal tissue. In North Carolina, their restrictive access law was passed in 2015. There's no requirement for individual disposal of fetal tissue. Ohio's law was ruled unconstitutional because of their abortion rights ballot initiative. Tennessee's law was passed in 2021. There is no requirement for individual disposal of fetal tissue. Utah's law was passed in 2020, no requirement for individual disposal of fetal tissue. So I want to make sure, as we're citing other states and their legislation, that we're clear on that it's not apples to oranges. And what we are proposing to require in Nebraska would create undue harm to an abortion provider that is providing procedural abortion in Nebraska, ultimately banning abortion in the state. If something costs so much money to do as an, as an agency, then you don't do it any longer. You are not able to serve that, that person. If we take that same approach, we have this conversation about minimum wage and paid

sick leave. Businesses said, yes, the voters passed it and what they're saying we cannot do. And so there have been arguments that this creates undue harm on those businesses. And so this body wants to undo that. And so if here in Nebraska we create an undue harm by creating an unnecessary statute that causes an expense that is unnecessary and not warranted, then we are essentially saying then we are going to put that agency in a predicament where they cannot provide the essential services that are needed to people accessing abortion care. So, again, I do stand in opposition to LB632 and, and why there is this IPP motion on the board because of what it does to, to care in our state. I think the other thing that I wanted to uplift around procedural abortion because of the distinguishing factor that may be coming up in the amendment is around medication versus procedural. And so why would someone need a procedural abortion? This could be for ectopic pregnancies. This could be pregnant with an IUD in a place. It could be to anemia, chronic adrenal failure. There are multiple reasons why people need to access procedural abortion. And so I want to make sure, again, that it's clear is that this bill, why it seems harmless, actually causes undue harm, not only on the provider, but the patient. And I will be up again as I see that my light is on to talk about what that undue harm looks like. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Madam President. Well, I rise in support of the IPP motion and opposed to LB632, and I would join a lot of the comments that have been made about the unnecessariness of a bill like this, and the fact that it does do-- have negative consequences, that the folks who are advocates for this bill think that it doesn't have any negative consequence and only serves the flowery language of Section 1. And I, looking at this and the number of conversations I've had here in my now 4.5 years in the Legislature, my immediate reaction when I see something-- we'll say, looking at the original bill with-- it's 5 sections [SIC], and so then there is, it's section (3): It shall be unlawful for a health care facility at which an elective abortion has been performed to deposit or dispose of the remains of an aborted, aborted unborn child in a manner other than provided in this section. So first off, immediate reaction is what's, what's defined as a health care facility? What's elective? Senator Spivey just listed off a few things that folks might characterize as elective, but would very much be nonelective, meaning you didn't have a choice in doing it. But so the thing I did want to hone in on is it says: It shall be

unlawful to. And so as a lawyer, criminal defense attorney, always when you see those words, you say, what's the penalty? Where do I go to look for that penalty? And so then I started looking at this bill and I see it doesn't reference any sections of statute. So I don't know if this bill is intended to be put into Section 28, which is criminal penalties, which by the way does address abortions a number of different ways in Section 28. Or if it's in the health care related statutes, which I believe are Section 71. But I would draw your attention to 28-336, which, if you look through the transcripts of this body, you probably see I've said many, many times. So 28-336 is abortion other than accepted medical procedures penalty. The performing of an abortion by using anything other than the accepted medical procedures is a Class IV felony. So my question would be, in this bill, is it intending or if not intending, is it even-- is it creating a Class IV felony penalty for a health care facility that performs an abortion and doesn't follow this? Because that, that section of statute, 28-366, would say that anything done, sorry, 336, anything done not in conformity with the accepted medical procedure. So are we creating in this a new definition, a new requirement for what is the accepted medical procedure? Are we adding this disposal requirement as part of the requirement for a medical procedure? So what I'm saying is there's a statute on point that says there's a penalty, a Class IV felony for this conduct. This creates an obligation under that conduct and, therefore, potentially is creating this penalty. And, of course, the courts have interpreted, have said that the Legislature is aware of all the rest of the sections of statute. So when we create this law, and it says it shall be unlawful, the court is going to say the Legislature obviously knew this section of statute existed. We didn't reference some other section of statutes that said we mean this unlawful to mean this, therefore, we're going to say where does it fit, it fits here. And which I'm saying is creates a Class IV felony for providers who are not following through on cremating some portion of remains after a procedure. And I think that is getting us very far down the field of having a chilling effect, erecting artificial barriers, denying service to people, doing all of the things that people are up and saying we are concerned that this bill is going to have a, a adverse effect on Nebraskans' ability to access critical health care, critical abortion care. And that is why people are standing up and saying I oppose LB632 because it puts this-- the Legislature and the law and penalties in the way of somebody seeking critical health care. So, again, I'm in favor of the motion to indefinitely postpone and I'm opposed to LB632.

DeBOER: Time, Senator.

J. CAVANAUGH: Thank you, Madam President.

HANSEN: Thank you, Senator John Cavanaugh. Senator Rountree, you're recognized.

ROUNTREE: Good afternoon and thank you Madam Chair, and good afternoon to all of our constituents, colleagues, and those that are watching online today. I just rise also in support of the motion to indefinitely postpone this particular bill. And just to share a little bit of experience, I've gotten a lot of emails from our constituents, pro and con, and I always do, like I tell my students in the classroom, I have two ears and one mouth so I try to do twice as much listening as I do talking, but I feel a need to get up and talk today. I just want to take an opportunity to read one of the opponent comments that came from over in another district, but yet came to me. And it says: I strongly oppose LB632 to require a health care facility to dispose of the remains of aborted unborn children. It is, and in capital letters, none of the state's business, what a mother and her medical provider choose to do with remains of aborted fetuses. This is sick, anti-privacy, and potentially discriminatory for those who may have personal or religious preferences regarding their fetus. I am stunned our Legislature is even considering this awful bill. Get out of our personal and medical lives. You have got state business to take care of. Get out of our most personal business. And so with that said, I'll just share an experience. In 1987, when we had conceived our son, at 9 weeks my wife was about to go into a spontaneous abortion. We went down into the hospital there on one of the Air Force bases, and the doctor told us go home, there's nothing that we can do for you. Go home and just go ahead and miscarry. Well, believing like we did, we prayed and [INAUDIBLE]. It was a very, very difficult pregnancy. We did not miscarry. But if we had, probably would have just miscarried and wouldn't have known what to do with any tissue or anything that's remaining there. At that time, my son and his development would have been about the size of a small grape and probably would just come with other tissue that we had. Well, it was a difficult pregnancy, and at 36 weeks after complete bed rest for about 6 weeks of those, placenta previa for the doctors that know complete what that is, we were able to deliver him. And so he'll be here with us on May 9 when he celebrates his 37th birthday. I want him to come and spend a day with me here in the Legislature. And so that's when I want to talk about that. But if it had not gone that way, would we have been mandated to dispose of him or in this manner that we're talking about now. When we

talk about our religious beliefs, and that's what many deal with here, some may not want to do what is being mandated by the bill. Now, as a pastor, I've dealt with other families who have suffered through challenging times with pregnancies. Some have come to a point that they might have had a stillbirth, and they've made decisions as to what to do. Those are really times that are emotional. As a military member, I've dealt with some of my young military members, like that letter that was read earlier that they've been assaulted and they've conceived out of that assault and the only thing they want to do is get back to who they were. They want to repossess themselves. And so I've had to walk with them through processes, restoration. Been a shoulder for them to cry on and to lean on. And so sometimes we don't understand what we have until the shoe is on our foot. We can sit here, we can make a lot of Legislature, and one of the things my old boss has said, he said, Victor, you have to always consider the second, third, fourth order effect of decisions that you make. We can look at what we have just here on the first order, but what is the second, third, and fourth order effect of that particular decision? Many times we can put roadblocks out and begin to squeeze and so tight that someone has to back up and say I can't do this anymore. But we come to make good legislation and we come to protect the rights of all of our Nebraskans. When people ask me about certain things, especially when I was on the campaign trail, always told them, I said God has never taken away your choice. He may let you know what the ramifications of your choosing is, but each one of us each day have an opportunity to rise and make decisions about what we're going to do. So, again, I move that we support the motion to IPP this one.

DeBOER: Time, Senator.

ROUNTREE: I see my time is up, and I'm sitting down. Thank you so much, Madam Chair.

DeBOER: Thank you, Senator Rountree. Senator Juarez, you're recognized.

JUAREZ: Thank you very much, and good afternoon to everyone. First of all, I wanted to speak just for a few minutes on my experience in running for the Legislature when abortion-- they had a couple initiatives, as we all know, when I ran. And I had the experience of being endorsed by Planned Parenthood. And when I sat down at my computer the night that Planned Parenthood endorsed me, I sat down there and I was like, OK, I wonder what this is going to be like and wondering what questions were going to be asked of me. So I sat down

and gave them my honest thoughts and told them that all my life I have represented as pro-life. And eventually, obviously, I changed my mind. And the reason that I changed my mind wasn't any pressure from any family or friends. Because believe me, you know, I do have friends who were very upfront with me that they were pro-choice. But they never put any pressure on me to change my stance. And they always respected, you know, how I identified myself. Well, eventually, I finally realized that what the whole issue about, to me, was about the woman's right to choose. And that's when it finally hit me that that's what the argument was about, that the woman wanted to have her right to choose. And I finally understood that. Did it take me many, many years for that to hit me, for me to understand? Yes, it did. And when I came and ran for my election and got this endorsement from Planned Parenthood, which I got to tell you surprised me. So I guess my honesty was something that they appreciated because I did tell them about my aspect of identifying pro-life for years. Believe me, I did get backlash from it. I don't want to say that, that endorsement was something that was totally positive for me because I did some backlash. What I also want people to understand is that as an elected official, I don't believe it's in my capacity representing District 5 that I impose my values on the people who elect me to this seat. I feel absolutely just the opposite. That instead, I'm supposed to represent what my residents want, what my voters want when I'm sitting in this chair. So that's why I've never had any difficulty with getting the endorsement from Planned Parenthood, because as it turned out, I got the statistics after, you know, the ballots were cast and everything, and it turned out that my district was supportive of, you know, the pro-choice on both initiatives. That's what my district came out. And even my campaign manager told me that he felt that I was on the right side of the issue. And, again, you know, even he didn't pressure me in any way. He just did make the comment that he felt that I was on the right side because I told him about what I went through. And I've never-- I guess it's easier for me to separate church and state, so I've not lost any sleep in regards to my position of wanting to be supportive of women and the decisions that they make. And I'm very comfortable with still sitting here right now and advocating for Senator Spivey's motion to indefinitely postpone. And I yield the rest of my time. Thank you.

DeBOER: Thank you, Senator Juarez. Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of my friend Senator Spivey's motion, and I rise in opposition to my friend Senator Hansen's underlying measure, LB632.

And here's why. From a policy and values perspective, I think that this measure fails. I also think that it has a host of technical issues that should be addressed on the record. And as we-- if it continues to, to move through various stages of debate this year, I do think it lifts significant and serious legal questions in regards to the interplay with the recently adopted constitutional amendment via the vote of the people in November 2024 and a host of other areas of law. It's a little hard to discern exactly what this measure is attempting to do because there is no statutory reference present as to what this new section of law will be amending or how it will be housed from a contextual perspective. A lot of Nebraska's abortion-related measures are in the criminal code. But this seems to have some sort of direction or indication to perhaps the Board of Health or medical facilities. So it would be helpful if we had some clarity on that. And it's a little out of step with our typical practice in terms of how Bill Drafting happens. And I venture to say it would probably make referencing a bit challenging as well, but nevertheless. I believe that Nebraska women should be trusted and that when they make a decision to end a pregnancy, that they should be treated with dignity and respect and have access to safe medical care. I believe that once a woman makes a decision to end a pregnancy, that she should not be shamed and bullied by her government. And that's exactly what LB632 is about. It's about bullying women and shaming women and holding medical providers who provide abortion care to a different standard than other medical providers in an attempt to bully or shame or drive up cost or enact a targeted restriction against abortion providers that are meant to push them out of business with a dizzying maze of unworkable laws and regulations that are not grounded in public health and welfare. And let's talk just generally about that. Proponents of this measure, including my friend Senator Hansen, said at the committee level and then reiterated again today in his initial comments on General File that this is all about public health. We should all-- quote, we should all agree on the importance of safe and effective practices in public health. That's what LB632 is about. Well, I, I think that the record is clear that it is not. And look no further than the committee statement itself, which shows political and religious interests who are against abortion care and access to abortion are supporting this measure. And then actual doctors in Nebraska, including the Nebraska Medical Association and representatives from the college of obstetricians and gynecologists and social workers, the list goes on, are opposed to this measure. It also undercuts proponents stated policy underpinnings that they are all about public health, yet these same proponents are against fluoride, vaccines, newborn screening,

comprehensive age-appropriate sex ed, and masks to limit the, the spread of infection when appropriate. This measure has no distinctions or clarity as to what, quote unquote, elective abortion means. And if it's important from a public health perspective, why does it only apply to elective abortion? Why not IVF? Why not miscarriage management? Why not spontaneous abortion? It raises significant issues as to religious freedom. It's about shaming. It's intrusive into people's lives. And it's not up to the government to tell me how to grieve if I'm suffering a miscarriage. It's not up to the government to tell me that I need to have a funeral if I am choosing abortion care for socioeconomic reasons, to save--

DeBOER: Time, Senator.

CONRAD: --my own life and health, or I'm a victim of rape and incest. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. I ask if Senator Hansen would yield to questions?

DeBOER: Senator Hansen, will you yield?

M. CAVANAUGH: I started to say some questions, and I said-- anyways.

HANSEN: Yes.

M. CAVANAUGH: Thank you, Senator Hansen. OK, so one of the things in here, it's elective abortion. And I kind of wanted to talk that through with you because almost every abortion is elective unless it's like in the emergency room, because when you have a miscarriage, you still have to have an abortion if it's a certain time along. So I guess I'm wondering for clarification sake, elective abortions are all abortions except for in the emergency room?

HANSEN: Yeah, so typically, yes. Most miscarriages, and this has been brought up before, spontaneous abortions, miscarriages are going to be almost always at a hospital or an ER. Most people don't go to a facility that performs elective abortions for a spontaneous abortion. So we already have, in statute, with these health care facilities who might have a stillborn birth or a miscarriage, how they have to have policy in place to determine what they're going to do with the remains of those.

M. CAVANAUGH: So we already have that in statute?

HANSEN: Correct.

M. CAVANAUGH: So--

HANSEN: The only thing we don't have in statute is what happens after an elective abortion with the remains. It's the only part of the statute-- we don't, we don't have any law about that.

M. CAVANAUGH: So why not just expand the existing statute to encompass this specific?

HANSEN: I mean, you could, but we just said since elective abortion is different than a spontaneous miscarriage, we decided to go this route so we can--

M. CAVANAUGH: But you can have an elective abortion in a hospital setting.

HANSEN: From my understanding, no hospital in Nebraska does elective abortions. If they do, then they would be included under this bill.

M. CAVANAUGH: So if you have a-- but you can be in your doctor's office and have a miscarriage or have a stillborn and then they send you to the hospital for the procedure, and that's considered an elective abortion.

HANSEN: I'd have to look at--

M. CAVANAUGH: If you're not--

HANSEN: --the definition of that. I'm not sure.

M. CAVANAUGH: Basically if you're not dying, it's an elective abortion, I think. It's just--

HANSEN: That's different than what I thought, but I don't want to-- but I can look and make sure.

M. CAVANAUGH: Maybe I'm, maybe I'm wrong. OK, my other question is about the process. So health care facilities, whether they are providing an abortion or it's a doctor's office or a hospital, all have procedures for dealing with medical waste. And not that-- I, I don't want to characterize an aborted fetus as medical waste, but, you know, in a sense it is. And so I'm kind of confused as to why we need

to require it to be handled a specific way. What if the parents don't want it handled that way?

HANSEN: Well, that's an option I think that has been brought up. Typically, like when we said when we mirrored our statute under what Minnesota has done and what they have been doing for, you know, decades. We've, we've pretty much copied that same statute. We do have policy in place for other kinds of spontaneous miscarriages, stillbirths. This is, like I said, it's just-- we do not have anything as statute pertaining to this kind of procedure so we thought we'd put something in there to make sure things are disposed of in a certain way.

M. CAVANAUGH: So have you inquired as to what the standard practice is in a facility that would perform this type of procedure?

HANSEN: Well, we don't have anything in policy so I can't tell. Right now there's-- we, we don't have a way to-- we, we could ask what their policies are.

M. CAVANAUGH: Yeah, that's what I'm asking.

HANSEN: But we could also do that with hospitals, not for anything in statute, but we have something in statute of hospitals to make sure that things are done in an appropriate way.

M. CAVANAUGH: Right, but I'm asking, did you ask what their current process is?

HANSEN: No, no, they came to the hearing and that, that question was asked to them specifically multiple times and they did not answer the question. We asked Planned Parenthood when they came, them and the other, other person in opposition, what do you do after an elective abortion with the human remains? They specifically multiple times did not answer that question. If they can't even answer the question during a hearing--

M. CAVANAUGH: Well, I think they--

HANSEN: --now we got to have something in statute to make sure that they do it the right way.

HANSEN: OK. Well, thank you for answering my questions. I appreciate it. I am going to run out of time, so I will get back in the queue to talk on this a little bit more and share my personal story about this,

which has impacted me greatly in a very negative way. And I want to share that with you, colleagues, because our actions here on the floor have consequences in women's lives in ways that you might not be thinking about but are traumatic. And, for me, legislation that was passed in this Legislature directly impacted me in the delivery room and it was heartbreaking. So thank you, Madam President.

DeBOER: Time, Senator. Thank you, Senators Machaela Cavanaugh and Hansen. Senator Raybould, you're recognized.

RAYBOULD: Thank you, Madam President. Good afternoon, colleagues. I stand in support of the IPP motion introduced by Senator Spivey. And I also stand in opposition to LB632. You know, as you look over the bill, there are just so many questions and legal issues that have not been thoroughly addressed in this legislation. And I'm just going to run through a list of questions. And I apologize to Senator Hansen, I made you a copy. But I'll go through the questions and give you an opportunity later on when I'm on the mic to have you address them. So I'm going to start to run through all the questions that have not been clearly defined in this piece of legislation. Does LB632 apply to physicians' offices? Does this bill apply to hospitals? Does the term facility have different meanings when referencing hospitals, physicians' offices, clinics, health care facilities, etcetera? Does this pertain only to elective abortions? Does this mean surgical and medication-induced abortions? Why is an elective abortion not defined in the bill? Opponents to the bill testified that LB632 does not contemplate medication abortions, my question is why? 82% of the abortions in Nebraska are medication abortations. And this has increased from the previous year. LB632 requirements only apply to remains or tissue from procedural abortion, assuming this is what is meant by elective abortions and not to tissue from physician management of miscarriage. Does the State Board of Health have the ability to impose sanctions on licensed providers? Does this provide for a private cause of action against a provider for negligence or breaching standard of care? If so, who can bring a claim? Does the Attorney General have authority to investigate or prosecute? Are in vitro fertilization clinics or fertility clinics required to comply if they dispose of pre-implantation embryos? It seems that LB632 requires only two means of disposal, internment, or cremation. However, Nebraska state law allows for a wide range of disposition options, including cremation and other methods. The current language passed in the initiative states Article I, Section 31 of the Nebraska Constitution now provides: that except when a woman seeks an abortion necessitated by a medical emergency, or when the pregnancy results

from sexual assault or incest, unborn children shall be protected from abortion in the second and third trimesters. Article I, Section 31 allows that the Legislature may enact legislation to protect unborn children from abortion in the 2nd and 3rd trimesters of pregnancy. This provision, however, limits the Legislature from legislating in instances in which an abortion is necessitated by a medical emergency or when the pregnancy results from sexual assault or incest. What if the remains of the pregnancy are necessitated or needed to prosecute an offender? How does this bill accommodate this because of all these unanswered questions and legal vagueness and additional uncertainties all across the board to all providers, health care facilities, the intent to further restrict and shame Nebraska women for the choices they are legally allowed to make? This bill has tremendous reservations, and I appreciate Senator Hansen's efforts, but these are questions that must be answered before we can proceed forward on this matter. These are questions that impact Nebraska families and the choices they make. So I want to thank you, Madam President.

DeBOER: Thank you, Senator Raybould. Senator Fredrickson, you're next in the queue.

FREDRICKSON: Thank you, Madam President. Good afternoon, colleagues. Good afternoon, Nebraskans. I rise today in support of the motion to indefinitely postpone and in opposition to the underlying bill, LB632. I have a number of concerns with this bill, many of which have been outlined by colleagues here on the floor today. But I do also have some, some questions that have been-- have, have risen as I've been listening to the debate. And I'm hearing what the proponents are saying here about the idea of this being focused on dignity or on life, but if that were the case, I guess my question is, why are we limiting something like this to just elective abortions? In other words, is the proposed dignity not applicable to miscarriages or other forms that we're talking about here? I also want to say there's no medical or, or public health justification for, for this piece of legislation. And as we all know and what's been clearly said on the mic, you know, fetal tissue has long been handled safely, ethically, and respectfully under the existing medical standards here in Nebraska. And there's no crisis that this law is solving. My biggest concern though, with, with this piece of legislation though, is that this is not a neutral bill. What I mean when I say that, is that this bill reflects a very specific religious and moral worldview that not all Nebraskans share. We are a diverse state. We have diverse beliefs. And to impose just one definition of dignity or of life on everyone, it, it undermines the religious freedom of Nebraskans in

constitutional rights. For example, Judaism and Islam have very different perspectives than Christianity on when life begins. So we are not here to legislate religion, and as Senator Juarez outlined earlier, it's, it's important that we ensure that we continue to legislate in a way that's responsible and have that separation of church and state and respect the religious perspectives of Nebraskans that might fall outside of what we're discussing here today. With that, I will yield any remaining time to Senator Spivey.

DeBOER: Senator Spivey, you're yielded 2 minutes, 50 seconds.

SPIVEY: Thank you, Senator Fredrickson and Madam President. I wanted to touch on a few things again. First starting out and just reminding folks that we have policy in place. And so as we think about why legislation is introduced, the importance of legislation, the impacts that it has, this is a nonissue. It is not a priority. The voters decided November 2024 what abortion access looks like in the state. This bill, LB632, continues to erode what the voters decided around abortion care. And so in terms of that this is a continuation of that, I believe is untrue because we have how abortion providers have been operating and it's outlined. I also want to uplift that I did touch base with Planned Parenthood while sitting here and they did, in fact, answer the question around what do they do in their hearing for the disposal of fetal tissue. They could not say some information for confidentiality and safety, but talked about the dignity that is a part of the process, the, the environmental safety components that have been raised and questioned and that they are following with every other provider that touches some sort of medical tissue, including pregnancy tissue, is doing. And so I just wanted to make sure that we have clarity on the record for that. I also wanted to uplift to Senator John Cavanaugh's point earlier when I talked about the different states and what they are doing and what does that look like. That was around procedural abortion and what that does mean from a process of disposing of that tissue. And so I just wanted to make sure that that was clear because he talked about elective. And then I also just wanted to uplift, while I have a minute left and I will get back on the mic again, that during the questioning with Senator Cavanaugh, Senator Hansen specifically said that an elect abortion is that Planned Parenthood does it. And so, again, are, are we-- is there an issue? Is there a concern here? Are we pushing a moral compass on people in a way that doesn't make sense and aligns to our values that are not demonstrated through other policy that is introduced or supported? And are we continuing to stigmatize women and patients accessing abortion care? And I think right now based on the bill, the

format, the structure, the lack of definitions that we have seen, it is the latter. And so I, I will get back on the mic because I really want to uplift the impacts that it has on survivors of sexual assault and domestic violence, which I think is very integral and important in the conversation. And, again, stand in opposition to LB632. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey, Mr. Clerk, items for the record.

CLERK: Thank you, Madam President. Your Committee on Judiciary, chaired by Senator Bosn, reports LB316 to General File with committee amendments. Additionally, approved reference report concerning references to the Commission for the Deaf and Hard of Hearing, as well as the Nebraska Tourism Commission. Amendments to be printed from Senator John Cavanaugh to LB316, Senator Brandt to LB317, Senator Hunt to LB669, Senator Hunt to LB557 [SIC--LB257], Senator Fredrickson, LB380. Senator John Cavanaugh, motions and amendments to LB316. That's all I have at this time, Madam President.

DeBOER: Thank you, Mr. Clerk. Senator Guereca, you're recognized.

GUERECA: Thank you, Madam President. I rise in support of the motion to indefinitely postpone and stand in opposition to LB632. A requirement for burial and cremation of a fetus rather than presenting it as an option fundamentally takes choice away from women. Abortion is already a difficult and emotional process for them, and this requirement adds to the financial and emotional burden. There are many reasons why someone would need a procedural abortion as opposed to a medication abortion, including anyone getting an abortion past 12 weeks under the rape, incest, life-- or life of the mother exception. Victims of domestic violence may also choose a procedural abortion because it takes-- it allows them to have an abortion at a health center outside of the home and away from their abuser. Additionally, women with health conditions like atopic pregnancies and bleeding disorders need to receive a procedural abortion rather than a medication abortion. The individual cremation/burial requirement in LB632 can make it prohibitively expensive for providers to continue procedural abortions even if they overcome the logistical challenge of finding a vendor who will work with them to be able to comply with the law. This means, functionally, the bill could be a procedural abortion ban. Now, what would that mean for Nebraskans? Restrictions on abortion only push care further out of reach, with harm falling hardest on those who already face significant barriers to care, including those struggling to make ends meet, young people, people of

color, and people living in rural communities. Since the Dobb's decision, we've seen heartbreaking impacts of extreme abortions banned across the country. In Texas, risks of serious pregnancy complications have doubled. In Ohio, emergency rooms are sending patients having miscarriages home because they're afraid to provide care. In Missouri, a patient was denied abortion care with her life in danger when her water broke early. And in every other state with a total, near total abortion ban, patients have had to travel hundreds of miles. Each of us should be free to live our lives with dignity and make the decisions that are best for our lives, families, and communities. And as any doctor will tell you, every pregnancy is different. That's why a person's health should guide their medical decision at every point of the pregnancy. And I'll yield the remainder of my time to Senator Spivey if she'll have it.

DeBOER: Senator Spivey, you have 2 minutes, 20 seconds.

SPIVEY: Thank you, Madam President. And thank you, Senator Guereca, and appreciate your remarks and comments. And so I wanted to start to touch on, and hopefully I can get through this-- you know what, actually, because I only have 2 minutes, folks are watching in real time, and I am getting emails and calls and text messages. And I want to read, while I don't have the full 5 minutes, I'll talk about the survivor impact when I do, is a, a text message that I just received. When I was 20, I was pregnant. I started having some cramping and bleeding, but nothing to warrant the ER. I went to my OB/GYN and they did a quick ultrasound and said they could not see a sac. They said I probably had already passed the clot without knowing. It felt like a heavy period. Anyway, the next day I went back for another ultrasound to make sure all the tissue had expelled itself on its own. It had not. I then had a quick procedure to make sure my uterus was clean. I think it was an abortion maybe in the technical sense. Anyway, my doctor told me one-third of all women have a miscarriage and never even knew that they were pregnant. Anyway, then I went back to studying for my college finals. Sincerely, LD 20 constituent. And so I think that is important to, to uplift and illustrate. One, people are watching us and the conversation that we are having on behalf of their rights and what does that look like. And that person already had a miscarriage, they needed to have a procedure to remove the excess fetal tissue. Imagine if they had to have a funeral or to cremate based on the standards of this bill. What does that look like? What type of trauma and harm does that cause that patient? And so we need to ensure, again, that the, the bills and laws that we pass do not have unintended consequences. And I'm still unclear of why we are

revisiting the issue of abortion access and continuing to restrict in our state when the voters decided November 2024. I'm unclear as to why that people with no reproductive system have ideas and thoughts around what does that look like around access to care and process. That is not why we are here. We have an opportunity to invest in the livelihood and viability of our neighbors in our community, and this bill, LB632, does the opposite.

DeBOER: Time, Senator.

SPIVEY: Thank you, Madam President.

DeBOER: Senator Hansen, you're recognized.

HANSEN: Thank you, Madam President. Well, I think maybe the best recourse here, because I'm hoping a lot of the people who are up here in opposition to this bill have actually read the bill, because I am still trying to comprehend a lot of the opposition. Either it's not in the bill at all, or they are grasping at so many straws, trying to come up with an argument that I'm still trying to fathom. Third, fourth, fifth, sixth order of things, we shouldn't do this. Like, we shouldn't pass any laws. So I just want to read it here so we can at least kind of get a grasp on what-- so even people at home who are, who are listening to this conversation can actually understand. This is a short bill. The Legislature declares that the purpose of this section is to protect the public health and welfare and to encourage and express respect for the dignity of unborn children by providing that health care facilities performing elective abortions provide for the dignified and safe disposition of the remains of aborted unborn children. Again, language in there that we use all over statute. That is nothing new. Subsection (2)-- there's only 5 subsections here: For purposes of this section, remains of an aborted unborn child means the physical remains of an unborn child at any stage of gestation whose life has been terminated by an elective abortion. Terminated by an elective abortion. Subsection (3): It shall be unlawful for a health care facility at which an elective abortion has been performed to deposit or dispose of the remains of an aborted unborn child in a matter other than provided in this section. Subsection (4): A health care facility at which an elective abortion has been performed shall provide for the individual disposition of the remains of the aborted child by cremation or interment by burial, by burial or, if not possible, if they are unable to do either one of those, as directed by the Board of Health. Last one, subsection (5): No notice of the method of disposition shall be required to be given to a woman upon whom an

abortion was performed. I don't know how much more clear this can be. The facility doesn't have to talk to the woman at all. Nothing new. We're not restricting abortion at all. This bill says nothing about restricting abortion. All it's saying is, OK, after the abortion, what do we do with these remains? Like we have in other areas of statute. To make sure, like Senator Conrad said, to make sure that, yes, it is done with public health in mind, but that's not what all this bill is about. She said that's what all this bill is about. That's untrue. I just said the same thing in my opening. It's all to make sure we do it in a dignified and humane way. Senator Dungan said he's worried about men telling women what to do with their bodies. Read the bill. Nothing in this bill says anything new or different or extra to the person getting the abortion. I specifically left that part out. We actually have that in the statute where we require hospitals to have policy. They have to inform the parent or the, you know, the, the person who had the spontaneous abortion that they have to know what they want to do or if they want to do anything different. I specifically left that part out. And this is a serious bill. I don't know what gave you the idea that it's not serious. Every bill we pass is serious. Every bill we pass affects people in some way. And Senator DeBoer brought up the idea that she heard in a Judiciary hearing about somebody embalming and they're putting blood down the drain after embalming. That's specifically what we're trying to prevent with this statute. We don't want, as some opponents said, health care waste, I would say aborted unborn children, be it as you will, we don't want them going down the drain in a garbage disposal like some states have done. I can't remember if it was Texas or Oregon. And I'm trying to find where in the language of the bill I just read where it says we are banning abortion. I'm, I'm trying to understand the opposition, I'm really trying to listen. Is it because it's going to increase the cost so much that people can't have an abortion anymore? I'm still trying to figure it out. And ask this question, everybody listening at home or here, if you are not burying or cremating the remains of an abortion, what are you doing? If you're not doing those two things, what are you doing? I can only think of a few things. Throwing them in a dumpster. So, again, I, I am honestly trying to listen to opposition. I've actually gone around talking to people. If there's some language in here that maybe--

DeBOER: Time, Senator.

HANSEN: --I'm missing that we can make it better, come to me and let me know. Thank you.

DeBOER: Senator Murman, you're recognized.

MURMAN: Thank you, Madam President. When I was studying the committee hearing on this bill, I noticed that Senator Hansen, as chair [SIC] of the Health and Human Services Committee, asked a very important question to the representative of Planned Parenthood, who came to oppose the bill. He asked what they did with the remains. And in quite a significant response, she refused to give a real answer. If Planned Parenthood isn't willing to admit what they do with the remains, we ought to be concerned and ought to assume the worst. If the remains were treated with dignity already, she would have no problem telling the committee this. But she chose not to. I believe every human, no matter how small, deserves some measure to ensure human dignity. And that's why I rise in opposition to the indefinitely postpone and in support of LB632. And I will yield the rest of my time to Senator Hansen if he would like to finish what he was talking about earlier. Thank you.

DeBOER: Senator Hansen, you're yielded 3 minutes, 45 seconds.

HANSEN: Thank you, Madam President. Again, trying to, trying to address maybe some of the concerns and questions that I heard on the floor. We heard a few times about the idea that this does not pertain to a miscarriage or spontaneous abortion. I don't know if I need to put that in the language specifically. I'm, I'm trying to figure that out because this-- the idea or intent of this bill is to those who are at an elective abortion facility, those facilities who perform elective abortions, after that elective abortion, what to do with that tissue? Someone who's having a spontaneous abortion or miscarriage would go to a hospital. Maybe I'm wrong, maybe somebody can clarify that for me or to come up to me afterwards, maybe there's some language we need to kind of put in a fix. Let me know. I'm open to a lot of things, but I can tell you the intent of this bill, and I just read it to you, it's not a very long bill. It's serious. I guess I just felt like it was not very complicated to understand. But I always understand that sometimes bills have unintended consequences. So I appreciate people coming up on the microphone and sharing some of those. I thought I had maybe a couple of the thoughts I wanted to share, but those were probably most of them. And if people can maybe, maybe just a little bit more when they're coming up with opposition, just more specifically in the bill, the language in the bill that says it prevents abortion or we're shaming women getting abortions. I don't know where that one's coming from. The language, there's nothing in there that says there's different between the communication between

the facility and the woman or they have to do something different. So how that's shaming-- I think that's what we said, shaming harassing or bullying women, I don't know where that comes from. So if somebody can point that out specifically in the bill where that, where that's at, I don't see it. I know we're trying to reach here people. I, I know when the opposition, we can't say something specifically, we start reaching for a lot of things. I get it. But if you want to be more specific, I'd be more open to it. Pointing out specifically in the bill where it's shaming, bullying women, where we're banning abortion. I can be more prescriptive if you want to. I didn't think you'd want me to be. I can put specifically what civil penalties should be in there. Maybe we should have the AG's Office audit elective abortion facilities every month to make sure they're disposing of them correctly. Didn't put that in there. It's intent. We have this in other areas of statute to say we just feel like this is unlawful or we feel like this is the direction we would like to see in the disposing of whether it's human remains or anything else. This is not new, this is not, not a new idea, and the fact a lot of other states have done this is not new either. So, like I said, if the opposition could be a little more specific, that'd be great. And I'm more than willing to listen, so. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Senator Dorn, you're recognized.

DORN: Thank you, Madam President. Been listening to the conversation on this bill a little bit and I guess I'm just-- kind of sat here wondering maybe-- this bill, I call it, it happens with, like, some other bills that we have in front of the Legislature, we-- a bill is introduced and we get emails about that bill and then when it gets to the floor or something it's amended or changed and you go wonder where that thought process came from? And as I sit here and listen to Senator Hansen and, yeah, I read the bill also and the committee statement and stuff, pretty simple, straightforward bill. I don't understand where some of these questions are coming from, some of these thoughts are coming from unless they're trying to, I call it, give a different perspective or take it down a different direction of the conversation that we have on this bill, but pretty straightforward bill. I don't know why anybody, if, if, god forbid, they had to have an abortion, but they did, why they wouldn't want that or any other body that when we pass away disposed of or have a proper, I call it, send off or properly done with and not just, I call it, disposed of or discarded in the trash. I just don't understand some of that stuff I guess. Definitely against the indefinite postpone, for LB632, and I will yield the rest of my time. Thank you.

DeBOER: Thank you, Senator Dorn. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. I do rise again in favor of the indefinitely postpone motion and opposed to LB632. Just to respond to a couple of things, and then I guess continue some of the conversation we had earlier. I did have a chance to read the bill. As Senator Hansen had indicated, it's very short. It's, it's 5 sections [SIC]. It's about half a page. And so I did get a chance to read that language. And I don't think that it makes any of the points that we've made any less legitimate. I guess I would respectfully disagree. I don't think the opposition to this bill is grasping at straws. I think that Senator Spivey has made a number of articulate and really vital points about why this bill has problematic effects. I would say that there are issues that I have with this bill for two major reasons. One, the bill is just poorly written, which is not to be an insult to any particular person who wrote the bill. And as Senator Hansen indicated, it could be more prescriptive. I still would not agree with the bill if it was more prescriptive, but part of the objection I have to the current form of the bill is that it is overly vague. I mentioned this briefly on the mic the first time I spoke, or maybe the second time when I was yielded time, but we as a country do have a general doctrine where if a piece of legislation is overly vague, it can be ruled unconstitutional under the due process clause by virtue of the fact that it is nearly impossible for those who are trying to effectuate the law to decide how it should be put into place and what the penalties are in the event that it's violated. There's been some discussion here today about whether or not this creates a civil right of action or if it is a criminal penalty. Senator Hunt and Senator Hansen both just referenced a civil penalty and he made a comment about the Attorney General getting involved, but there's nothing in the bill that I see that makes that clear or specific and, in fact, it indicates that it shall be unlawful for a health care facility at which an elective abortion has been performed to deposit or dispose of the remains of an aborted unborn child in a manner other than provided in the section. Unlawful by its very definition indicates that you are breaking the law, which necessitates a penalty. And Senator John Cavanaugh had mentioned this in his time on the mic, there's no penalty in here. So that there on its face, colleagues, makes this unconstitutionally vague. One of the core tenets of the vagueness doctrine is that in the event of a criminal charge or a criminal penalty being created, it has to be clear in the statute what that potential penalty and the fact that you violate that, what it would be. There are a couple of options, and certainly we can point towards

other statutes that perhaps the court would try to construe as the possible penalty. And in that circumstance, we're looking at felonies. The statutes are very clear that it could potentially be a Class IV felony, which carries with it years in prison. So it's not a stretch, and it's not grasping at straws to say that this bill creates criminal penalty possibilities for doctors providing medical care in the event that they don't potentially follow the, I guess, restrictions of this bill. What makes that even more complicated is let's pretend it is in fact unlawful and therefore a violation of the law and therefore a criminal penalty for a doctor to not follow all of the terms and conditions of this law. It specifically in section (4) says that they have to perform this cremation or interment or burial as directed by the Board of Health. So what that contemplates is that the Board of Health, I guess, has to promulgate a set of rules as to how this burial or interment or cremation has to happen. So you have this vagueness problem that runs through the entirety of the statute where it's unclear the penalty. But let's assume it is, in fact, a felony, and, therefore, it's a felony for a doctor to not adhere to the terms laid out in the bill, but in the bill or in the law itself, it's unclear what the terms and conditions are that they have to follow. In fact, it is left up to the Board of Health then to promulgate a list of rules that the medical provider has to follow in trying to adhere to the law. And if they don't do so, then it's a felony. Do you see where this gets confusing? Somebody who pulls up Nebraska Revised Statute, whatever this becomes, and looks at sections (1) through (5) is not going to know what they have to do in order to not go to prison. That is vague. All of that aside, this bill seeks to install into Nebraska statute a particular worldview that you may or may not share. And I'm not saying that one is right or one is wrong, reasonable minds can disagree about what that worldview is,--

DeBOER: Time, Senator.

DUNGAN: --but this bill seeks to legislate that worldview. Thank you, Madam President.

DeBOER: Senator Spivey, you're next in the queue and this is your last opportunity before your close.

SPIVEY: Thank you, Madam President. So I wanted to address some of the feedback and insight just around the cost and the implications of why this does effectively ban abortion and why the policy and its vagueness doesn't work for what is introduced. And so if you cannot afford to do something that is law and mandated, then you can no

longer exist. So we talk about unfunded mandates all the time in this body, whether it be to our counties, for what does that look like, and a great example is our university system. So currently we have statute that says that we will give a specific type of scholarship for students that maybe has a parent that was in law enforcement and passed away, or a firefighter, so on and so forth, but we are not providing funding for that scholarship. So that organization can either, in this case the university, absorb that, or they can't, and what does that have and the impact does it make on their business operations. And so in Nebraska, the cost for cremation, for example, is between \$895 to \$1,300. So on average, the impact that it would have would be close to a half a million dollars based on the, the numbers and estimates around procedural abortion. So a half of a million that you would now, as an organization, which is Planned Parenthood, so let's be honest of that's who we're talking about, Planned Parenthood would have to absorb in order to offer the service of abortion access. If they cannot offer that, it effectively bans abortion. So I wanted to thread that needle for folks that were not seeing what was presented before. The last thing that I want to uplift, and I hopefully will have enough time because I, I really want to still get to the impacts of survivors and, and what was passed in the ballot initiative because I think, again, that's important, but wanted to make sure while we were on this point that I, I brought the, the actual facts around this. So in order to comply with cremation or burial requirements in Nebraska, a vendor would have to gather information that is not available in cases of abortion. And, in fact, gathering that information would negate Section 1, subsection (5) of the bill, which states that patients do not have to be notified because there is certain information that would need to be collected for that patient in order to comply with cremation or burial requirements, and so that section is 71-1377. For example, the law requires a name and requires a certification that any person that has the right to control the disposal does not object, this could not be anyone other than the patient. Requiring patients to provide this information, again, is disrespectful, highly inappropriate, and it goes against what the bill-- how the bill is written. How this impacts survivors in sexual assault is also related and important. So survivors have endured trauma and need compassion and access to health care without obstacle. But this bill would retraumatize survivors and puts up additional barriers to get the care they need. For example, and as I mentioned, what is needed for a cremation or burial to happen? So imagine the experience a trauma of rape or incest, which is allowed through the ballot initiative, that exception was made,

receiving the care you need to take back some measure of control over your life and body, but then the government says, not only are we deciding for you what happens with that pregnancy tissue, we are going to give and force you to give that tissue a name so that it can be cremated or buried. This person who has experienced that rape, incest, and trauma would have to be contacted. That is cruel and creates a level of control that is unnecessary and not appropriate for our body to legislate. Even if we adopt AM616 to this bill and it only applies to procedural in clinic abortion, you know who actually accesses those services the most? It's survivors of rape and incest and domestic violence. It is important that as we think about what we're passing that we have thought through all of the implications. I read this bill. I read every bill that comes before us. I do the work. I want to be informed. I want to make sure that I can speak clearly and give value add to the discussion before us. So I absolutely read this bill, I absolutely understand its impact, and we all have our boundaries and our lines, and I appreciate Senator Hansen for wanting to listen and to figure that out. However, I will not hope to make a terrible bill like less worse. There is a hard line around reproductive rights, and we cannot continue to try to legislate and erode access to women and people in Nebraska that are accessing abortion care when, one, the voters decided what it looks like, and, two, this is unnecessary. Planned Parenthood, again, who this bill is about, follows the statute. They follow the procedures of every other--

DeBOER: Time, Senator.

SPIVEY: Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator Hunt, you're recognized.

HUNT: Thank you, Madam Chair. I want to pick up with what Senator Spivey was just saying. There's been some suggestion in this conversation today that because elective abortion is excluded from one specific statute, that means there's no standards, no procedures, no oversight for what happens to fetal tissue. And that's simply not true. Medical waste, including tissue, from abortion procedures is already regulated. It's not discarded casually, it's not, quote, thrown in the trash, as some have claimed. It's handled just like any other type of medical waste or tissue or, you know, any kind of matter like that according to statute. Health care facilities in Nebraska, including Planned Parenthood, maybe even more so, because, of course, this is an organization that knows that they are under more of a magnifying glass, more of a microscope than any other health care

provider in the state, they follow strict state and federal rules for handling and disposal of all medical waste, including fetal tissue. There are rules in place to protect public health, to ensure sanitary conditions, to ensure that health care providers are maintaining the standard of professional care. So just because a statute excludes elective abortion from a burial or cremation mandate doesn't mean there are no guardrails at all. There are, and they're working, so let's be honest about what this bill is really doing. It chaps my hide to hear the introducer say, this isn't about abortion. None of this is about abortion. Senator Hansen, sir, this is right-to-life's priority bill. Of course it's about abortion, the bill is literally about abortion. It's not closing a gap in health and safety regulation. If we cared about public health and safety regulation, we'd be advocating for things like comprehensive, medically accurate, age-appropriate, research-based sex education for kids. That's never going to happen. We would be supporting, vaccinating our kids so that we don't have measles spreading for the first time in a gazillion years after the miracle of modern science already got rid of it. We would be fluoridating our water, which we are, and I hope that we continue to do all of these things. So let's not talk about public health and safety regulation. Let's talk about what this is, which is more restrictions on abortion, more penalties for providers, more chilling effects felt by both providers and patients. And as, as Senator Spivey also talked about, we were told over and over that when the ballot initiative passed, that that was kind of putting the final nail in the coffin, and it was the last word on abortion rights in Nebraska. But we all knew that wasn't true. We all knew that bill after bill would continue to come, probably, you know, for decades to come still, continuing to chip away, to pass trap laws, to do everything possible, not just to ban abortion outright, but to criminalize people who seek this necessary medical care. This bill is creating a new punitive framework layered on top of an already regulated process, which Planned Parenthood, the organization this bill is targeted at, is already under a microscope, already as, you know, as in compliance as you can be because they know that folks like those in this room are just looking for any reason to catch them doing something wrong. So this bill is creating a new punitive framework, not because it improves public health, not because it improves medical care, but because it stigmatizes people who seek abortion. Are clinics required to get signed attestations from patients confirming their agreement with the disposal method? What if the clinic does a cremation but the patient wanted interment, vice versa, whatever? If so, what happens when a patient refuses or is unable to provide that documentation? Are

providers expected to document the gestational age of the tissue and determine whether these requirements apply? What if a provider makes a good faith judgment that the law doesn't apply because the pregnancy is so early and there's no tissue, but the Attorney General disagrees? Will they face thousands of dollars in penalties? And if there's a complaint, who investigates it? What standard of evidence applies? How much blood has to be on the pad? Which one of you would like to look at that and decide? Will this be triggered by anonymous tips, politically motivated activists, anti-abortion organizations? Probably. And if this passes, we'll come to find out, won't we? Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Senator Sorrentino, you're recognized.

SORRENTINO: Thank you, Madam Chair. It's-- in earlier testimony that's been repeated a couple of times, it suggested that one of the many things in this bill that needed clarification was how we should define fetal remains. Doing some quick research literally on something as simple as Google, you can find half a dozen definitions of fetal remains. So if that really is one of the things that is wrong with this bill, why in heck doesn't somebody offer an amendment? If you don't like it, amend it. Don't just sit here and complain about it. I want to hear an amendment. It's awfully quiet. I don't hear any amendments, so I'll move on. How about the suggestion that the bill opens up new exposure for practitioners? All you lawyers in the crowd, what'd you learn the first day of law school? There's two sides to every story. Litigate it. There's not one bill we will ever pass in this Legislature, not one that couldn't be legally challenged. I don't care if it's minimum wage, abortion, housing, they can all be legally challenged. Come on. Without a doubt, the weakest argument I have ever heard. Instead, we're just going to sit here and act like, well, yeah, it's not constitutional. Let's talk about the state of Indiana, passed an absolutely identical bill to this word for word. Go read it. Challenging the Supreme Court, by 7-2, the Supreme court upheld it. We don't want to talk about that. We just want to talk, oh, it could be challenged. And I love it when people talk about challenges who've never been to a day of law school. Get with it. How about let the testifiers so far really answer the questions. Thank you, Senator, for-- Senator, for asking the questions about what in this bill says this is blocking a woman's right to have an abortion. Question after question, excuse after excuse, I never, ever get a reason. It's about as good as an argument is, this might be unconstitutional. And, finally, I may be the only one here, I'm tired of hearing our Attorney

General bashed. I'm really tired of our Attorney General getting bashed by nonlawyers. It's might as well talk about them as if they're physicians because they're not physicians either. Blah, blah, blah. What do you have against the Attorney General? That he went to law school, that he did well, that he got elected? If you don't like it, run yourself. It's his right to challenge laws that we make. That's what the Nebraska Constitution says. So until I start to get any answers, which I won't, I will be against LB632. Thank you, Madam Chair.

DeBOER: Thank you, Senator Sorrentino. Senator McKinney, you're recognized.

McKINNEY: Thank you, Madam President. I rise still in support of the motion to IPP, still in opposition of LB632. Senator Sorrentino, it was ruled by our Supreme Court that an Attorney General's Opinion is just that, an opinion, it's not law. But I did read this bill, and I did see some practical issues that I think have been discussed. But I haven't talked today, so I want to kind of discuss them. The first one I've seen is potential increased cost to providers. Mandating individual cremation or burial, or burial increases operational and logistic costs for health care facilities. It may also drive up the cost of care for patients, potentially reducing access to abortion services. Two, lack of clear medical guidelines. This bill lacks clarity on what constitutes individual disposition at all stages of gestation, including very early stages when remains are microscopic or not medically distinct. This could place a heavy administrative burden on providers and pathologists to comply with the ambiguous criteria. Three, enforcement ambiguity. The bill doesn't clearly define penalties, inspections, or oversight mechanisms for noncompliance. Who verifies the methods of disposition? What documentation is required? Four, burden, burden on public health infrastructure. If remains are directed to the Board of Health due to feasibility issues, it may create strains on public agencies to manage medical waste in a way that complies with the new legal requirements. There's also problematic issues. The first is political and ideological motives. This bill appears to be less about public health and more about advancing a moral viewpoint that equates aborted fetal tissue with deceased persons, which has implications for reproductive rights and bodily autonomy. This language reinforces a legal framework that could be used to challenge abortion rights more broadly. Two, emotional and psychological impact. Even though the bill says no notice is required to be given to the woman, the practice of individual disposition may signal to patients that they've done something wrong or immoral or

potentially adding shame or trauma. Three, potential conflict with medical ethics. This could interfere with the standard of care and conflict with medical protocols around the disposal of medical tissue or biological waste. Four, under addressed consent and privacy concerns. By excluding the patient from the process, yet using their procedure as a basis for a moral, for a moral mandate, it arguably violates informed consent norms in the right to medical privacy. These are things we should think about. And I think that's why people are asking questions. That's why people are standing up. And that's why people have concerns. And that can't be looked over, because although it's become common practice to ignore practical questions, especially practical legal questions about legislation that has been moving through this place this year, I'm still going to stand up and say let's look at the practicality, let's look at problems that may not be seen or, you know, might come if this is to pass. And that's why I'm bringing these concerns up, because no matter where you stand on something, if we pass something in here and it has legal issues, the state is going to pay for it. The taxpayers are going to pay for it, and we always stand up and say we care about taxpayer dollars and spending on taxpayers. If this has legal issues, and a bill is passed that has all these legal issues, tell the taxpayers that you passed a bill that had all these legal issues and you just voted for it. Thank you.

DeBOER: Thank you, Senator McKinney. Senator Lonowski, you're recognized.

LONOWSKI: Thank you, Madam President. I, as Senator Sorrentino, stand against motion 87 and for LB632. Senator Dungan stated earlier that he was surprised that men were taking such an interest in this. So I just want to remind him, as he did speak twice, that it was men who brought Roe v. Wade to us, all men, in a 7-2 vote. I also appreciate Senator Dungan and Senator Cavanaugh and their willingness to work with us on an amendment regarding penalties and implementation. Again, this bill would not create undue stress on the woman who has decided to have an abortion. The remains will be taken away, and the facility will dispose of them properly. This morning, I met a woman who had had an abortion many years ago. She's now around the age of 70. She expressed her sorrow. She wondered out loud with me and my-- with me and Senator McKeon where baby was. She said she knew her baby's soul was in heaven, but she wondered about the physical aspect. She got tears in her eyes, and we just listened. Senator Rountree used the phrase spontaneous abortion. That's a newer phrase. It's really kind of a slick term. Then I heard Senator Conrad use the same term, so I want

to make sure I looked it up. To be sure, to abort is to cause something to stop or to fail in growth before it begins or before it is complete. When we say spontaneous abortion, we're really talking about accidental or miscarriage. For this bill to be enacted, the abortion must have already taken place. So this is not about limiting abortions. This is about creating a way for remains to be disposed of in a very humane, in a very humane manner. Hospitals and clinics have defined their rules and statutes to properly dispose of miscarriages. It is unbelievable that we are trying to conflate abortion with the appropriate disposal of aborted remains. Many who have stood and opposed this bill work for nonprofit organizations that supposedly support children. That is where I'm conflicted. However, simply put, this bill is not to put undue burden on the woman. The facility simply has the responsibility to care for the remains in a humane manner. Thank you. I yield my time.

DeBOER: Thank you, Senator Lonowski. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Madam President. Good afternoon, colleagues. So I'm one of those people that went to law school. And, you know, the Attorney General, I served in the Legislature with him. I enjoy the Attorney General. I do think he's an extremely bright person. I have fundamental disagreements with him, and I raise those disagreements. And I think it is incumbent upon all of us when we disagree with somebody to raise those agreements. That's the nature of this job. And so I think doing it in a civil way and I think a fact-based way is really important. But being honest and sincere and forceful and forthright I think is also important. And I remember in law school, as we're having this conversation about the strength of a law school degree, I suppose, is there's this old adage, you know, when the law is on your side, you pound on the law. When the facts are on your side, you pound on the facts. And when neither is on your side, you pound on your desk. I feel like there's a lot of desk pounding going on. And so I have stood up and said that I thought there was some ambiguity in this. And I thought that because of how my understanding of courts have interpreted statute and how the, the, the Nebraska Supreme Court will interpret our action here if we do something, which I've learned both through my conduct as a lawyer, my education as a lawyer, but also my work here. I've learned a lot of things about statutory interpretation. And statutory interpretation includes the idea that the courts will impute to us the understanding of the rest of the statute, which is why it's important to look at other sections of statute that are not in the bill when we're talking about this. But

there's also this question of ambiguity. And somebody who reads the statute will know, and somebody who has gone to law school will know. That when looking for a definition, the first thing that the courts will do is look to the statute for a definition on point, a clarifying definition. And so if there is no definition, then they will go to common use. And so that-- maybe that's where Google falls. And I do think when we're talking about something like this, some of the people's problem is that the common-use definition maybe is not in line with what the stated intention of this bill is. So that's the reason maybe folks have raised the ambiguity implied by the common-use definition. I will, however, caveat. My opposition to this bill is not that it does not-- is not clear about its intentions and not clear of its impacts. I think those are true, and I have raised those concerns. My opposition to this bill is that it serves the purpose of a chilling effect. That I have opposed this bill when I stated on the first time on the microphone, is that I think it has the potential to increase or create a penalty for medical providers. And as Senator Sorrentino just said, yes, you could litigate that, but you know what the forcing someone to litigate their job is or how they interact with their job, that is a chilling effect. Medical providers will stop providing a service because they do not want to have to go litigate that. You know what that litigation is called? A criminal prosecution. They do not want to be criminally prosecuted for, for providing essential medical services. So to flippantly say someone could go litigate this is doing a disservice to the process we engage in here. People do not have to support a bill because they disagree with how it's written or have to agree with it and help you solve your drafting problems. I have a right and an obligation and a responsibility as a senator to tell you and to stand up for my fundamental beliefs as well as my procedural understandings, and to bring those skills to bear for you and with you. But in this one, there is not a way you could fix this that is going to make me or a number of other people support it. So to stand up and hector everyone and say, bring me an amendment or you're not sincere. I sincerely oppose the intention of this bill. And so I will not bring an amendment to attempt to fix the problems that I've identified with it or others have identified. So I am in favor of the IPP and I oppose LB632 because I oppose the fundamental intention of creating a chilling effect and erecting hurdles to essential medical care. I also think that it is a poorly written bill. Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Rountree, you're recognized.

ROUNTREE: Thank you so much, Madam President. I just rise still in support of the IPP motion and I yield the remainder of my time to Senator Spivey.

DeBOER: Senator Spivey, you're yielded 4 minutes, 50 seconds.

SPIVEY: Thank you, Madam President. And thank you, Senator Rountree, for the time. So I, again, echo a lot of the sentiments of my colleagues that are in opposition of LB632 and in support of the IPP motion. There have been a lot of questions posed, which I think we do in this job, right? We ask ourselves critical questions. We are self-reflecting. And so as I was sitting here listening intently to all sides of the conversation, some questions came up for me around, have the proponents actually researched what is in statute? I think it was Senator Sorrentino that mentioned, like, I simply Googled this definition. And so did they Google definitions? Did they Google other bills? Did they ask the Department of Environment and Energy, what do you do in statute? Did they spend time with the opponents of this bill to say, hey, you are the provider-- again, we're talking about Planned Parenthood, so no need to not name them-- what are you doing? Did they have those one-off conversations? So the same accountability and questions being posed to the folks that are against LB632, I wonder how we got to this point to introduce it, and not only introduce it but then to prioritize it. I do not know that there is factual documentation anywhere that says fetal tissue is just thrown in a dumpster. That has been a conversation that has been said that this is what happens to fetal tissue and that same approach is not named with other medical waste. So, again, if the intention of this bill is to provide support around public health in our environment, what happens to other types of human tissue, medical tissue that is being discarded? As mentioned earlier, I don't have a thyroid. My thyroid was cancerous, had some knobs and nodules, all sorts of things, and I was, like, take it out. Take it out immediately. It was traumatic for me. I don't care what happens to it. You do what you need to do so I can move on and try to have some normalcy in my life. I have not seen this body try to regulate what happened to my thyroid or that it was an important piece of that. And, and that comes, I think, from the conversation around, what does dignified and humane mean? We've heard that a number of times on the mic today, and I'm just unclear who gets to define that, and then how do we legislate in that way? I think as I define what dignity means, and what humanity looks like, I think of Senator Rountree's bill, LB319, that looked at restoring SNAP access to folks who are off papers and are coming home from navigating incarceration. And there were people on this mic that are supportive

of this bill that demeaned the people that are trying to just figure out how to survive and come back and be a value-add citizen. To me that's not how I would define dignity and humanity. And I would imagine that if people are using that term and these terms as a barometer that they would apply them equitably to all of these situations and that's the case. And so to try to legislate dignity and humanity, to try to define that in a way that we have and, specifically, I have demonstrated the individual harm that it will cause to the provider that is administering procedural abortions, the disrespect to the voters around what they decided around abortion access, and to that patient navigating access to care, is clear and was fact-based. So there's not a question of what it looks like to be defined, but rather how we cannot legislate in that way, and is that honestly a priority for us at this point and what we vision for Nebraska? The other point that I want to just uplift again and I see my light is on, is that this does not apply to any other provider that is touching fetal or pregnancy tissue. And so if there is not a concern with fertility doctors or medical doctors, why abortion providers? Why have you specifically carved out a policy that would inevitably ban abortion in Nebraska because they cannot afford to do the unfunded mandate that you are proposing. So, again, if we are concerned about the environment and where things from tissues and our bodily composition goes, this bill is not representative of that. It is finite in its approach. There are technical issues that have been brought up before and, again, to me is a backdoor attempt to ban abortion for the reasons that I named. So I am still in support of my motion to IPP this bill, I am still against LB632, and I will continue to engage in this conversation. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator Juarez, you're recognized.

JUAREZ: Thank you very much. So I wanted to say that I am in support of the motion 87 to indefinitely postpone and I am in opposition to LB632. And the main reason that I'm in opposition is because I feel that if we're going to implement a law of this nature to do something with the remains, it should be provided across the board to everyone who would be involved with an abortion and not just to a selected facility that may perform this procedure. I think it should go across to everyone. And for a minute I just wanted to digress to tell everyone when I went to Costco to get my gas, remember last week when I mistakenly said that I put diesel in my car? Well, I took a picture this time and I put in unleaded 88 which has E15 ethanol and it was the word ethanol that I couldn't remember that I wanted to tell you of

the type of gas I put in my car. So I am doing it right. I yield the rest of my time to Senator Conrad. Thank you.

DeBOER: Senator Conrad, you have 3 minutes 45 seconds.

CONRAD: Very good, thank you, Madam President, and thank you to my friend Senator Juarez. I'll make a few general points and then I want to switch back to some prepared remarks. I find it quite surprising as we welcome a new friend, Senator Sorrentino, into the body to hear the, the tone and tenor of his commentary. Typically, those of us who have a legal background, who are attorneys and also have the opportunity to serve, can actually work together because of that common experience and educational background to sometimes negotiate finer points of drafting or technical issues and it's usually quite helpful to be able to utilize those skills together. I'm not quite sure I've ever heard a senator use their educational background to demean other senators and to somehow imply that they're not entitled to debate nor entitled to have an opinion. That is, is really quite striking and I guess perhaps we'll give a bit of grace as Senator Sorrentino is a freshman and a new member and may not know and understand the traditions of this body where we afford individuals, our colleagues, respect, and we invite them to participate regardless of their professional or educational background. We would also remember together that the Attorney General is not elected by just those of us who hold a JD. The Attorney General serves all of Nebraska. He serves all voters and he is accountable to all voters and he's accountable to elected officials in this Chamber regardless of their professional pedigree, background, or experience. So since Senator Sorrentino had nothing to say about the law or the policy that was accurate in regards to LB632, yet wants to demean and diminish other colleagues who do not have a JD, I did just want to note how out of practice that is for our customs. And perhaps if I need to get some information on retirement plans, which Senator Sorrentino has a great deal of background on as an ERISA attorney and a plan manager, maybe I will pick his brain. I've definitely picked his brain in regards to some issues that we share with the love of running. He's far more accomplished in that regard than I am. But when it comes to civil rights litigation, perhaps he needs to go back and double check the record. Because when he cites to the Indiana case, where in a similar measure was challenged on a rational basis in 2019, pre-Dobbs, there was a per curiam opinion that upheld such out of Indiana. However, Senator Sorrentino, on February 13, 2025, just this year, in our sister state of Ohio, a similar measure as LB632 was challenged post-Dobbs and post-adoption of a constitutional amendment in relation

to abortion rights, which is more relevant, timely, and on point, and poses unique and important legal questions as to LB632. So the next time Senator Sorrentino jumps up to diminish colleagues and voters, at the very least--

DeBOER: Time, Senator,--

CONRAD: --he should have the record right on the law.

DeBOER: --but you're next in the queue.

CONRAD: Thank you, Madam President. I appreciate that because I do want to draw the body's attention to a few additional legal questions. So, again, the most recent order that we have from a sister state court in regards to a similar fetal interment and cremation fetal remains law in relation to elective abortion does come out of Ohio, which is not in our circuit and this is a state court ruling, but what it did do was provide a timely analysis of the Ohio measure that was citizen initiative, a citizen initiative and successfully adopted that provided a broad right to abortion care in Ohio. And, subsequently, prompted challenges to measures like LB632. Now to be clear, the constitutional amendment in Ohio and the one recently adopted in Nebraska are different, but they're not completely different. Arguably, the Nebraska law enshrined a right to abortion in the Nebraska Constitution, including abortion later in pregnancy for those who are victims of incest or rape. And if you go and care to read and do your homework as to what the Ohio judge ordered, it found that the fetal remains bill was violative of the women's right to abortion under the Ohio constitutional amendment. It is a more timely, specific, legal precedent on point than the Indiana law that was challenged up to SCOTUS in 2019 on a rational basis. Additionally, if Senator Hansen or Senator Lonowski just wish to have intent language about what our policy is in Nebraska, they can just say that. That is not what LB632 is. LB632 is not a legislative resolution that just generally lifts some sort of policy. LB632 has specific legal directives and legal terms of art and undefined components. If you look at Section 1 of the 18 lined bill, 18 lines of bill, you can see Section 1, lines 1 through 5, generally has some sort of intent language or public policy statement. However, if you continue down the bill and you see undefined terms, including in section (2), i.e., elective abortion that are not found elsewhere. And, again, we don't know exactly what section this measure is amending. Is it the criminal code in Section 28 where most of the abortion laws are, or is this something in relation to the Board of Health? We don't know. Then you

also look at lines 9 through 12. It is a specific policy directive. Quote, It shall be unlawful. This is not merely a statement of intent. It is a clear legal directive that some action is unlawful, but it is not clear what the penalties attendant thereto are. It is nowhere in the bill. There is an additional mandatory directive on line 14 [SIC], a health care facility at which an elective abortion, again undefined, has been performed or completed if amended by the committee amendment, shall provide for the individual disposition. Again, it uses the terms unlawful. It has two mandatory directives. And we're unclear what the enforcement mechanism is. That is clear on the face of the bill. It is not opponents obligation to draft a good measure. That is the introducer's obligation. It is not opponents obligation to fix bills that come out of committee that are not ready for prime time, as is the case in this instance. And let's be clear, there's always a little bit of political theater--

DeBOER: Time, Senator.

CONRAD: --in the political body. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. So when I was on the mic before, I had a nice discussion with Senator Hansen, the introducer of this bill, who also is not an attorney. I am not an attorney. And just-- apparently I missed it, I wasn't on the floor at the time, but apparently that disqualifies me from speaking. I am a parent and I am a woman who has given birth multiple times. So I think maybe myself and Senator Juarez, who's also a parent and also given birth, we might be, you know, experts in this field a little bit. Just putting that out there. I mean, I do have a koozie that says I'm not a doctor, but I play one in the Legislature. I'm also not an attorney. But that's OK, because people elected me to be here, just like they elected Senator Sorrentino to be here, so. That is very disconcerting to have somebody disparage colleagues for not having a certain degree. But I guess that's where we're at. So I also don't want to offer an amendment to this bill because I don't agree with this bill. And I don't want-- there's nothing-- there's not a change to it that I would like to see. What I would like to see is what we currently have. Actually, that's not true. I would like to repeal part of what was put in statute in 2003. And what was put in statute in 2003 is slightly different. I had a good conversation off the mic as well with Senator Hansen about that. So in 2003 passed a bill that requires hospitals

and providers to ask parents what they want done with the fetal remains when there's a miscarriage, abortion, etcetera. What happened as a result is that they ask you no matter what. So you can be in the delivery room like I was, have a live birth like I was having, and be asked to fill out paperwork of what you want done with the fetal remains of my miscarriage from 8 months before. That's not cool. And I said, why are you asking me this? Because I'm about to give birth, I hope to a live birth. And they said that they had to ask us to cover their liability. They didn't want to get sued for not asking me to sign paperwork for a fetus that wasn't viable months ago that my body took care of on its own. That I knew about, it was in my medical records, my husband knew about, we talked about it, we grieved it, we did our thing. We did what was right for us. I don't even know what, what will we-- would the placenta have been the remains? I don't even know, I asked them that. They said they didn't know either. My uterus maybe would be the remains. The point is when we put things in statute, medical practice in statute, we muck things up that we don't even know we're mucking up. And I don't want to require medical professionals to take an action that they know will be harmful to the parent. They already ask what you want done with the remains. I asked them, they do. That's what they do. That's part of the counseling around it all. And if you want to bury your unborn fetus child, whatever term you're going to use, if you want to bury them, you can. But then you can't currently force a family to have their child's remains buried. This bill forces a family to have the child's remains buried. And, yes, Senator Hansen says they don't have to talk to the parents, but you're still taking their baby. I'm not going to let you take my baby and bury it without my permission, without my say-so. No, absolutely not, 100%. Not going to happen. That's why I don't support LB632. If I want to bury a baby, I will grieve how it's best for me and my partner and my family. I don't need the state telling me how to grieve my losses. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh. Senator Dungan, you're recognized, and this is your third opportunity.

DUNGAN: Thank you, Madam President. Colleagues, I rise again in favor of the motion to indefinitely postpone and opposed to LB632. I want to continue down the, the line of thought that I had earlier with regards to some of the constitutional problems here. But I, too, guess will take the bait and respond briefly to Senator Sorrentino's comments earlier. This is my first year in the Legislature where I've heard this argument echoed time and time again, where you oppose something and then the people that you're opposing or the, the introducer or

proponent of the bill says, oh, well, if you don't like it, bring me an amendment or else sit down and shut up. And I guess I disagree with that. I, I think that there are certainly certain bills and concepts where we can say, yeah, there's a possibility that we're going to get to, get to yes on this and we're going to work together to find an avenue in order to find language that works or maybe clarify things and we'll get to a place where we actually want this to go into effect. That's some bills. There are other bills and other laws where you may fundamentally disagree with the outcome or the intended effect of the bill, in which case there might not be amendments that you can get to, or that you can agree to that's going to get you to yes. That does not preclude you from also having the conversation about some of the issues or problems with the legislation. It is not an either/or. We don't exist in a binary. I can disagree with the concept of a bill and disagree with the method with which it's written. I can also disagree with a bill and, in fact, I think I have a responsibility, as Senator John Cavanaugh said, to disagree with bills, but try to possibly make them better sometimes. Not always. I don't always stand up and say here's ways that you can improve this, but there are, there are pieces of legislation in this body that we've passed that I have opposed that I have tried to make better, where I've said, listen, I disagree with what you're here but if you want to make it work or function here are the tweaks that you could make to actually make this in line with what is common practice or to make it actually achieve the goal it's intended to achieve or just to make the language more clear. There's examples I can think of this session where I have actively worked on language in a bill fully understanding that I may oppose the ultimate goal. Now the people who bring those pieces of legislation don't have to agree to work with me, I'm not saying that. But it's absolutely our job to stand up and say that we disagree with some of the parts of it, and we want to maybe try to make it better or point out the problems. So I know that's been said, but I, I just-- it bears repeating that I think that is an, I guess, illegitimate concern. And to try to silence the opposition out of that sort of argument just doesn't make sense to me. Also, I think it'd be really funny if the opposite was applied because there's plenty of legislation in here that my colleagues oppose that they certainly have not offered amendments on. So, you know, if you want to apply that logic both ways, then I welcome all of your amendments to all of the legislation that you've opposed thus far in this Legislature. But I imagine there's many of you that won't offer those because you simply disagree with the bills. And that's OK. You get to do that. In addition to that, I don't know how many times you have to say this on

the mic. I guess people aren't necessarily paying attention. It is very empty in here, I will say, for those at home. There's not a lot of folks here. I think it's a really bad argument to say if something is unconstitutional, stop fighting it, let it pass, and the courts will act. Not because I disagree that it makes it more or less constitutional, but because I think that is irresponsible as legislators to simply pass legislation that we believe to be or know is likely running afoul of the constitution, whether it's the Nebraska Constitution or the U.S. Constitution. And it doesn't matter if you're a lawyer or not. We should want to pass good bills. We should want to pass clean bills. And we should want to pass legislation that I think is, on its face, not legally problematic, even if we disagree with the concepts. And this is another argument that I've heard time and time again this year. Oh, well, if you are so sure it's unconstitutional, step aside, let it pass, and maybe the courts will strike it down. Taxpayers, that's a waste of your money, that's a waste of your time, and it's certainly not what I think we as a Legislature should be doing. So I guess I, I disagree respectfully with any of those arguments as to whether or not it makes it legitimate to oppose. And, colleagues, there are issues with this bill, they've been talked about now ad nauseam. We have a little bit more time to continue talking about them. I do think it's unconstitutionally vague. I think it fails even rational basis, scrutiny, insofar as it delineates different medical providers for no real reason in how they handle tissue. So--

DeBOER: Time, Senator.

DUNGAN: --I encourage your red vote on LB632. Thank you, Madam President.

DeBOER: Senator Storer, you're recognized.

STORER: Question.

DeBOER: 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: 26 ayes, 1 nay to place the house under call.

DeBOER: 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 Raybould, Fredrickson, McKeon, Hughes, Dover, Hunt, and von Gillern, the house is under call. Please report to the Chamber. Senator Dover, please check in. Senator Hughes, Senator Hunt, the house is under call. Please report to the Chamber, the house is under call. Senator Hansen, everyone is present. The vote is open, will you accept call-ins?

CLERK: Senator Bosn voting yes.

DeBOER: The question we're voting on is shall debate cease?

CLERK: Speaker Arch voting yes. Senator von Gillern voting yes. Senator Brandt voting yes. Senator Strommen voting yes. Senator Hughes voting yes. Senator Dover voting yes. Senator Lippincott voting yes. Senator McKeon voting yes.

DeBOER: Record, Mr. Clerk.

CLERK: 28 ayes, 3 nays to cease debate, Madam President.

DeBOER: Debate does cease. Senator Spivey, you are recognized to close on your motion to indefinitely postpone.

SPIVEY: Thank you, Madam President. Again, I rise in opposition to LB632 and ask for your green vote on motion 87. There has been lots of conversation, and I just want to, one, uplift that Speaker Arch last week, so folks maybe forgot over the weekend, on Thursday, specifically talked about having a truncated debate time that he would implement the 4-2-1 policy that he talked about for more emotionally charged themes, conversations, litigations, and so it is unfortunate and disappointing that we were not allowed to continue based on that, what was already outlined by Speaker Arch in the debate for this bill. As I mentioned earlier in my opening, I rise in opposition to LB632 because there are already laws in place that allow for providers that are navigating medical tissue, including pregnancy tissue, to be addressed. The Nebraska Department of Environment and Energy have a process and policy that allows for medical tissue that includes pregnancy tissue to be disposed in a way that does not create contamination or issues with our environment. And so that is being followed by folks that are touching pregnancy tissue, including fertility doctors, medical doctors, as well as abortion providers. That policy is already on the books and this LB632 is an unnecessary attempt to try to regulate that because public health is not a

concern. They are already following those procedures. I did not get a chance to get back in the queue and talk on the mic because the question was called but wanted to uplift what happens when we continue to try and regulate and erode abortion access from what we have seen passed by our second house. And so some states are seeing that people that even choose to be pregnant and parent are impacted by deaths because of the abortion bans. There's currently a running list of at least 10 preventable deaths that have been directly linked to a lack of abortion care during a pregnancy complication. This number is actually likely higher because many states with bans have also made it harder to be considered to be able to track back this information. So for example, in Georgia, there was an entire maternal health panel that was dismissed because of the leak that linked two deaths to the state's abortion ban. Each of those two patients in those cases needed a procedural abortion care, but were not able to get it because of the fear and uncertainty caused by abortion restrictions and bans. And for the people that are unclear around what that looks like, it means that those women were allowed to die because they became septic. Their bodies became poison, and it killed itself because they were not allowed to a procedure needed to remove fetal tissue. There has been also information in the Flatwater Free Press around interviews with doctors that specifically said that the state's current and existing abortion restrictions makes it harder for them and creates a gray area around their work. And so when we think about, again, the unintended consequences of legislation like LB632 and what is being proposed, it makes Nebraska more dangerous for women and folks that are accessing abortion care. It was very clear in my opening remarks what and why I have opposition to this bill. As I mentioned, there's already statutes on the books that ensures that there is no public harm from an environmental perspective around disposing of fetal tissue and what does it look like. The fiscal note and the fiscal impact that it would have on the only procedural abortion provider would inevitably ban abortion in our state. So when you talk about unfunded mandates and what does it look like, it would create, at minimum, a half a million dollar price tag to decide what happens and mandate this religious view that that patient did not decide. And so, again, colleagues, I see my light is on. I encourage you to have a green vote to indefinitely postpone this unnecessary legislation. The second house has already decided what abortion access looks like in our state. They have a carve out for rape and incest and victims of domestic violence, and we should be honoring their voice and not taking up issues that are not a priority and continue to erode the reproductive rights of women and Nebraskans across the state. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. The question before the body is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Andersen voting no. Speaker Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senor Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop voting yes. Senator Quick. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders. Senator Sorrentino voting no. Senator Spivey not voting. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 12 ayes, 31 nays, Madam President.

DeBOER: The motion is unsuccessful. I raise the call. Mr. Clerk, for a motion.

CLERK: Madam President, Senator Spivey would move to reconsider the vote taken.

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

SPIVEY: Thank you, Madam President, and a good-- colleagues, I urge you to reconsider your vote on the motion to indefinitely postpone LB632. As I was saying earlier, this creates an undue burden on providers, specifically abortion providers, that are giving necessary care to people. It also addresses and causes harm to the, to the decision-making of that patient who is navigating what abortion access looks like. Before I get back into the facts, and, and I appreciate Senator Machaela Cavanaugh sharing her experience, I wanted to be able to share my experience because I think, again, people that do not have the lived experience are continuing to make decisions about the

processes and access to care, specifically reproductive care in our state. We are not respecting the voice of our voters in what they said around abortion care and access, which was 12 weeks with 2 carve outs. So I have two children, I have an 11-year-old now, and I have a 2.5-year-old. And at about 20 weeks with my 2.5-year-old, I found out that I am a carrier for a rare genetic disorder. And with that genetic disorder, there is no room for viability. Viability looks different at every stage. So outside of me, there's no viability for that to be a successful pregnancy and then birth. And so my doctor at the time was like, oh, this is super rare, let's test your husband just to see if he's a carrier, but everything should be fine. Well, it turns out he is actually a carrier, too, of that rare genetic disorder. So that means our chances for the pregnancy to then, and, and our child that we wanted for this pregnancy, to be a carrier. And so my doctor at the time, because of the type of hospital I was at, whispered to me, I cannot tell you your options, but you need to see a specialist very quickly in order to make a decision because of looming decisions happening in Nebraska around reproductive access. And, one, I need a provider that can tell me all of my options and not be restricted based on the so-called moral compass that their institution held. So I went and saw a specialist, I switched providers to a different hospital and we did some testing through amniotic fluid to decide what was going to happen. If those test results came back that our son was a carrier for this genetic disorder, I would have had to make the decision to either give birth through the process that I so chose, cesarean, vaginal, and then not have a baby that was-- could live outside of me, or I can have and what would be considered based on this bill an elected termination or abortion. And so that was the decision that was in front of me and my husband at the time. If my son would have been a carrier and based on this policy, I then would have had to decide if I wanted to have the hospital cremate and to-- or do a funeral, I would have to name my baby. And that's not something that I would have done. The, the amount of stress and trauma that we experienced during that time, I can not even articulate and put into words. And so when we talk about these types of bills and the unintended consequence around them, I think, one, we need to humanize the people that are actually impacted which is not the introducer of this bill. It's not the senator that prioritized this bill, it's about the people and the patients that actually have to make these decisions. And so, again, we need to ensure that we are allowing for space and actually legislating around issues that are really a priority and our impacting the people that we have sent here to represent, which is all people, not just ones that align to the value set that we had. As I

mentioned earlier, the "unmanned" mandate around the cost of this bill would ensure that abortion providers and who we're talking about is Planned Parenthood would not be to administer any procedural abortion in the state of Nebraska. If it is required that individual fetal tissue has a cremation or funeral service, that can be upwards between \$800 to \$1,300 per cremation or burial. So, again, upwards of a half a million dollars would have to be adjusted in the operations of this agency in order to continue to provide important abortion access and care. We have said in every other context in this body we cannot have unfunded mandates. When it comes to our districts we say-- and our counties, we don't need unfunded mandates, we are looking at that. I gave the example earlier around the university system and the scholarship program that we said, hey, you need to do this and, by the way, we're not going to appropriate any money for it. And the impact that it's having on their budget, especially in a time now when we are not looking at funding the university at a way that ensures their survival during these precarious times. And so why in this instance it's OK for an unfunded mandate I am unsure. But I do believe and I know that this is why Planned Parenthood would not be able to continue with procedural abortions as the only provider in the state because you are requiring this unfunded mandate which inevitably is an abortion ban. Through raised through the other conversation earlier, there are lots of technical issues with this bill and what we have seen. I also am not an attorney. I went to school for mass communications, minor in Spanish marketing, studied abroad a little bit. I used to be fluent in Spanish and now when I move back to the states and really out Texas, I, I don't use my Spanish as much. And then I went to University of Texas at Arlington for my master's program in urban social planning. So I actually spent a majority of my academic career and then my time professionally looking at integrated systems that we all navigate, our social system. So I, I get to work on public health issues. I actually am the founder and run an organization that specifically looks at the full spectrum of reproductive well-being. That includes reproductive rights, people that choose to be pregnant and parent. The economic opportunity components of that, which include housing, wages, and a number of things. And so when I, when I think about what does this look like and, and why I oppose and would encourage my colleagues to reconsider their vote, it's important that we are uplifting legislation, one, that prioritizes the well-being of all Nebraskans and doesn't limit their access. It does not limit what they are needing in order to live full lives that, that is not being intruded on by their state government. In the bill, you see the technical issues that were raised

around elective abortions and what does that look like. I gave a personal example of that, what I experienced with our, our second pregnancy that it could potentially have been an elective abortion because that pregnancy wasn't viable. And so I would be electing to terminate because of that. So how does that fall? How does that fit into the scope of this? There are other components that open us up to a liability. And, and I agree with the sentiments of my colleagues earlier that while the AG works on behalf of all folks, we want to be mindful of how we spend taxpayers' money. So do we want to intentionally pass legislation that would set us up for a lawsuit knowing the cost implications in an already very restricted fiscal environment. We know that we are facing a large budget deficit. It is bigger in the off years. We are cutting access to public health, and I know that was a concern that was raised earlier. And so what does that look like when we intentionally try to pass legislation that has issues that the introducer or the senator that prioritized it did not work on to ensure that there wouldn't be any potential looming litigation or that could question the constitutionality of this legislation? There's been a lot of conversation from folks that are proponents of this bill around human dignity and burial and what does that mean around humanity. And, again, I pose the question around who gets to define that, and is it our job as a Legislature to try to legislate to that. There are many instances where we should be actively passing legislation that creates the good life that Nebraska has to offer. And you cannot do that with a government that does not allow you to have the rights to make decisions about your body and about your health care. And so I would say the premise around dignity and humanity are subjective and not applied equitably across when we have these conversations about safety social nets and really the beneficiaries of those. And so, colleagues, at this time I encourage your green vote on the reconsider motion and that we are able to indefinitely postpone LB362 and get to real issues that are impacting Nebraskans and do what we were called here to do at the Legislature. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator McKinney, you're recognized.

McKINNEY: Thank you, Madam President. I rise in support of the motion to reconsider the motion to indefinitely postpone LB632. Would Senator Spivey yield to a question?

DeBOER: Senator Spivey, will you yield?

SPIVEY: Yes, Senator McKinney.

McKINNEY: Thank you. Senator Spivey, do you think this-- if LB632 passes, do you think it would present undue-- well, do you think it would impose an undue burden on the right to access abortion services?

SPIVEY: Yes, absolutely.

McKINNEY: How so?

SPIVEY: Well, it's really because of the mandates. And so there's not, one, a need for this, because abortion providers are, especially those that do procedural abortion, which there's only one in the state, which is Planned Parenthood, and that's why I keep saying that's who we're talking about, because there's only one provider that does procedural abortions. The amendment that we may get to looks at changing it from medication abortion to just procedural. So that's kind of that context and grounding there. It requires them to, to do a new process of cremation and burial that is not too different than what they're already doing. So they are currently following guidelines of any other type of provider that is touching fetal and pregnancy tissue around disposing of it in a way that is sanitary and environmentally conscious, and that's when the NDEE comes in around what does that look like. They also ensure, and they work with that patient, that if that patient has questions or a specific ask around the tissue, that they honor that. So they are already having those conversations. Those are the things that are already happening. And so to say that each patient that accesses abortion care has to go through this cremation and burial service would create that upwards of \$500,000 a year. And not to mention, in order to cremate, you have to ask specific information that is not provided through abortion care. You have to have a name. So that means if I choose to have an abortion and it is cheaper to have a cremation, and that's what the provider chooses, they're going to have to ask me questions. And I'm going to then be stigmatized and judged, right, this is the feeling that I'm going to have because of that. And so I think that there is absolutely unintended consequences. And if they cannot afford to absorb those fees, what are they going to do? They're going to stop offering that type of service and continue with the, the litany of other access to reproductive care that they currently offer.

McKINNEY: Thank you, and what do you see as, like, the long-term impact on women if they're presented with these undue burdens?

SPIVEY: Yeah, I mean, people are going to go out of state for abortion access, and as I mentioned earlier, we're seeing specifically in Georgia and in Texas, women that are dying because they cannot access procedural abortion. If tissue is left inside of your body, it becomes septic. And so that means-- and, and because of the gray area that abortion ban creates around criminalization, then what happens is that that provider is going to elect to not do that based on their liability and that patient is put at risk. And so we do not want to be a state where people that are choosing to be pregnant and parent because of a miscarriage then dies because we're not going to give them service because we are scared of liability or because the Legislature has decided to make choices and mandates about access to care that they did not need to be doing that is not an issue that the voters have already decided.

McKINNEY: Thank you, Senator Spivey, and I just wanted to ask those questions, because I wanted to make sure that we understand that there is a potential for this bill to impose an undue burden on women, and that burden is something that we shouldn't look past or we shouldn't look over. It is something everybody, no matter how you feel about the topic of abortion, you should consider. Because we should consider all consequences of things that we pass in here, and we have to make sure that we're not passing something that presents more hurdles and more barriers and, in this case, an undue burden to access. So I know we talk about trying to protect people, but we have to protect them in the right way, and we have to think about every outcome in doing so, especially on such an important topic like this. So thank you.

DeBOER: Thank you, Senators McKinney and Spivey. Senator Armendariz would like to recognize a number of very special guests: her husband Ralph Armendariz, her daughter-in-law Emily Armendariz, her grandson Ozzy Armendariz, her daughter Lauren Gentsch, her son-in-law Miles Gentsch, her granddaughter Gigi Gentsch, and a very special recognition of her grandson Forrest Gentsch, whose fourth birthday it is today. Please stand and be recognized by your Nebraska Legislature. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Madam President. Happy fourth birthday. Four is a great year, so enjoy it. So I rise in support of the motion to reconsider. I supported the motion to indefinitely postpone, and I oppose LB632. I appreciate the conversation that Senator McKinney and Senator Spivey were just having. I think there's some really interesting points raised there. And one of them was that Senator Spivey pointed out the additional cost of \$500,000 and Senator

McKinney was talking about that undue burden. And I would take issue with one of the things Senator Spivey said, which was that there are unintended consequences here. I'm of the opinion a lot of the consequences are intended, meaning that there is an attention here, a stated intention of respect-- respectful disposal of remains, but I think the approach to doing that is to use that to create a chilling effect to increase these costs, decrease access to service, erect hurdles, and that is really my opposition to this. And a lot of people have stood up and said, you know, both sides of things saying, if you really cared about X, you'd do X, right? If you really cared about kids, you'd invest in housing and food and, you know, education, and all of these sorts of things. And, you know, there's lots of things you could say and say if you really care about these things, you would prioritize these other things. I do think in this instance, there is the option, of course, of if you-- you could take a less pointed approach. And if the interest was really just to increase the use of this particular method of disposal, there could be a proposal to, to offset the cost of that, right? So I guess I did say I wasn't going to fix the bill for people, but just I guess I couldn't help myself as I was sitting here listening to the conversation. But there are things you could do to achieve a goal that doesn't have the chilling effect. You can not have it be punitive to the provider. You can have-- not have it be mandatory to a parent. You could say we would love for parents or for, for pregnant persons to make this decision, but we know it's not our place to insert ourselves into one of the most painful and difficult decisions people make in their lives. However, while they are making that decision, I want to encourage them to make it in a way that the policymakers would prefer. And so you can do those sorts of things. And that's not the approach that's sought here. The approach that this bill takes is one that would, if accomplished, would force people in that situation, and we've heard a lot of stories about this, but force people who are maybe going through a really tough time to have to do something else as mandated by the state and make further that trauma for those folks. And we're here-- we've heard that from a lot of people. I know it's anecdotal, but it is true. But in, in addition to that, we are erecting a cost barrier, we're erecting an regulatory barrier, and we are creating a situation in which some service providers will think twice before providing a service and a necessary, essential medical procedure and so there'll be fewer options and we're increasing the cost of that service. So all of those things are created to create a chilling effect or to try to force people into not doing something that they maybe don't want to do anyway but is medically necessary to them. So I'm opposed to this bill

because of those things because of the chilling effect because the, the barrier because, again, inserts the state between an individual and their doctor and their medical decisions. It, again, is saying the state knows better how we should-- you should proceed with your medical care then you and your medical provider. And that's simply not true. That is an unnecessary government intervention in the doctor's office. And we really need to get out of the doctor's office in this body. We're sticking ourselves in there way too much. And so I'm opposed to LB332 [SIC]. I'm in favor of the motion to definitely postpone. I'm in favor of the motion to reconsider. I think that we should leave decisions between individuals--

DeBOER: Time, Senator.

J. CAVANAUGH: --and their doctors. Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Ibach would like to recognize UNL Krutsinger Beef Industry Scholars from Lincoln, Nebraska, 17 of them in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Juarez, you're recognized.

JUAREZ: Thank you very much, colleagues. I am in the motion-- I mean, I am in support of the motion to reconsider and I was thinking about the comments made by Senator Cavanaugh. I always appreciate listening to my colleagues for the good thoughts that they have on our bills and at the town hall that Senator Dunixi [SIC] and I held this weekend, one of the first comments we received was about the sick leave amendment, I think it was, paid sick leave. And the person in the audience asked us, you know, do you think that the voters don't know what they're doing? And It was just amazing to me her question of us because she was definitely upset with how we're trying to make changes in this body when the voters expressed their thoughts. And I think that we should definitely show more respect to our voters. I do think that they know what they're doing when they're at the ballot box. I have respect for the decisions that they make. And, you know, even in the instance of what happened with the abortion initiative, although it may not have been acceptable to everyone in the state, you know, I respect the final decision that the voters did make. And I think that, as Senator Cavanaugh said, we're going into government overreach here and interfering with what-- the difficulties that a woman faces, you know, in an abortion situation. I can't even imagine having to make a, a decision like that. And I really want us to not be having a woman feel like she's a criminal in the decision that she makes. I have

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received both from males and females emails on the topic that we're discussing today. And they wish that we were not adding more burdens to the decision-making process. And I would like to yield the rest of my time to Senator Spivey. Thank you.

DeBOER: Senator Spivey, you're yielded 2 minutes, 25 seconds.

SPIVEY: Thank you, Madam President, and thank you, Senator Juarez, and, again, appreciate your support and your reflections and comments. Again, colleagues, I urge you to reconsider your vote with my motion 178 to indefinitely postpone and remove and not move forward LB632. So as I said earlier as I'm sitting here people are sending emails and texting and calling my office and communicating and, and I, I think you're right, Senator John Cavanaugh, of disagreeing with me that this is an intentional back door to banning abortion because as I was sitting here I think everyone received the email from our executive branch around the right-to-life folks being here. I was caught off the floor earlier from some constituents in my district and LB632 is their priority legislation. LB632 is their priority legislation and as we talked about and as I stated earlier there were two competing measures on the ballot. One that I worked on, so when folks are talking about what does this look like and being on the ground, I specifically was in the space around the ballot initiatives and have worked around reproductive rights within my career. And the measure that put into constitution our 12-week ban passed, and they said that this would be a compromise. And, today, the folks pulled me off the floor, it was sent by our executive leadership around the importance of LB632 to them, because they know, like I know, that this is a backdoor ban to abortion. Abortion providers, Planned Parenthood would not be able to do procedural abortion in the state of Nebraska. Again, inevitably creating a space where there is no abortion access here for procedural abortion because not everyone wants a medical abortion or can have one. So, again, I encourage you, colleagues, to reconsider your vote on the motion to indefinitely postpone. Thank you, Madam President.

DeBOER: Thank you, Senator Spivey. Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President, and almost good evening. Good afternoon, colleagues. I also want to continue debate about a little bit of context for this measure, which I remain in support of the motion to indefinitely-- reconsider the IPP and opposed to the underlying measure. I want to take a moment to provide some additional context for the measure and then I want to return to some specific concerns in relation to potential unlawful delegation. So number one,

there's always a little bit of political theater in the political arena, and I find a lot of that stunningly, or unsurprisingly perhaps, on display in the course of this debate. As proponents of this measure go out of their way to say this has nothing to do with abortion rights. You know, we just came up with this measure as something important to do for public health, etcetera, etcetera. But, again, go look at the committee record. The only folks that are pushing this measure are not public health experts. They're those who are opposed to abortion rights and abortion access. In fact, public health experts, social workers, Nebraska doctors, the Nebraska Medical Association are opposed to this measure. And then a quick Google search can clearly help to identify the fact that those claims are inaccurate. There is a considerable amount of reporting and research dating back almost 10 years that measures like this are part of a pro-life playbook. Period. The proponents of these measures are proud about their efforts to bring these forward in an effort to limit access to abortion, and to get a foothold in the personhood movement which otherwise has not been successful. The proponents of these measures have put together model bills that have moved through other states with a specific goal and aim to limit or hinder access to abortion. So I-- if proponents won't be honest about their motives on the mic, I'm going to talk about the clear motives of those who've written such model legislation, because they're happy to talk to the press about it. So the notion-- quote-- from a 2016 nation article entitled the latest anti-abortion trend, mandatory funerals for fetuses. Quote, The notion of trying to regulate fetal tissue disposal has floated around the periphery of the anti-abortion movement for decades, bubbling up at politically opportune moments before fading once again to the background. It's the work of Americans United for Life, an anti-abortion organization that provides a, quote, pro-life playbook in terms of writing model legislation and distributing it to conservative lawmakers. These politicians modify boilerplate, sometimes significantly, other times barely at all, for introductions into their own Legislature. That then continues. That the issue of personhood has broiled at the center of the debate for as long as the anti-abortion movement has existed. To its disciples, life begins at conception, ergo, abortion is murder, establish that a fetus is a person, afforded the same rights as a person in as many instances legally as possible, and you are one thrust away from dismantling access to abortion. Efforts to pass personhood laws, which not only criminalize abortion, but also ban many forms of contraception, have collapsed time and time again on the ballot and in this Legislature. But this measure is part and parcel of the personhood movement to

accomplish the same. And part of a clear anti-choice, anti-access agenda to shame women, to use the power and privilege of government, to erect additional barriers, and to advance an agenda. I'm going to run out of time here, but it's also important to look at the measure itself. It requires, otherwise deems unlawful, a health care facility to deposit or dispose of remains in a manner that requires either cremation or interment by burial or, if not possible, as directed by the Board of Health. Friends, in Nebraska, an unlawful delegation of authority refers to when the Legislature improperly transfers its legislative power to another entity like an administrative agency without providing sufficient--

DeBOER: Time, Senator.

CONRAD: --guidance or standard. Thank you, Madam President.

DeBOER: Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. OK. I was just talking about, what am I going to talk about? I oppose this bill. I don't want to see any amendments on this bill. I would like this bill to get to a vote today and be done with it, 4 hours was because it didn't have any amendments, now we're talking about amendments. So are we going to take it 8 hours? I don't think we are, maybe we are. But, yeah, this bill is-- I don't really-- I, I genuinely don't understand what we're trying to accomplish here because forcing medical facilities to bury or cremate remains without the parents say so is wrong. Just period, it's just wrong. And I would be very angry if I was forced to do something in that situation that I didn't want to. And to Senator Spivey's point, then you have to have a name for a birth certificate or a death certificate. I didn't name my miscarriage, that was my choice. And I don't want to be forced into naming a miscarriage. That's cruel. I don't want to be told how to grieve, and I don't want to tell people how to grieve. They already have the option of having a burial for the remains if that is what they choose to do. They already are offered that option. They don't need us to put into statute that they don't have a choice anymore, that their provider is legally required to bury their remains, and they don't get a choice. And the question for me would be, do they even get a choice on where they are buried? If the provider, the medical provider, is tasked with the burial, do parents still retain the right to have a burial of the place of their choosing? If it's not being discussed with them that the remains will be buried, then how do they get that opportunity to direct the burial? If what we really care about is dignity of life, we

should respect people's decisions to grieve how they want to and not force them and not force our religion on them. Are we thinking this has to be a Christian burial? What if the parents are Jewish? Does that matter? Or Hindu or Muslim? I mean, are we just talking about Christian burials? What are we doing? If an individual wants to bury the remains from an abortion for whatever reason of the abortion, they are asked what they want done with the remains. Do they want the facility to dispose of them, or would they like to have a burial? That's what we do now. Don't force people to have their remains taken from them and buried. Don't force medical providers to go against the Hippocratic Oath to do no harm by causing harm because of another stupid thing we do, like abortion reversal or abortion dismemberment bill where now you have to inject a woman with poison before she can--

DeBOER: Time, Senator.

M. CAVANAUGH: --terminate late term. Thank you, Madam President.

DeBOER: Senator Guereca, you're recognized.

GUERECA: Thank you, Madam President. I yield my time to Senator Spivey.

DeBOER: Senator Spivey, you're yielded 4 minutes, 45 seconds.

SPIVEY: Thank you, Senator Guereca and Madam President. Again, colleagues, I rise for your reconsideration to indefinitely postpone LB632. As stated previously, I think this is an unnecessary bill that caused undue hardship onto procedural abortion providers as well as that patient accessing care and undermines the will and vote of the second house which established what abortion access looks like in Nebraska. And so I wanted to talk a little bit about the-- this process and has this type of bill been introduced before in Nebraska? And so this is the first time that a fetal tissue bill has been introduced in our Legislature. These types of bills are known as trap laws and are making a difference. I would also ask on the mic that senators please do not take pictures of me without my consent on your phone. Thank you. Next, in terms of what does that look like for bills that are introduced. In the body, Nebraska already severely restricts access to abortion care. Some of the things that we have passed in the last 40 years include a 12-week abortion ban, which was in 2023. And then you saw the initiative for the ballot in 2024. There is a requirement for bias counseling, LB110 that was passed in 1993, including providing information that is not medically factual around a

medical abortion in that reversal, which would be LB209 in 2019. A ban on certain methods of performing procedural abortion, LB814 was passed in 2020. And then a ban on provision of medication abortion via telehealth, LB521 in 2011. So over the last 4 decades, we have continued to address in this body what abortion access looks like. And, again, as a reminder, the Initiative 434, which was on the ballot, was supposed to be the compromise and the last time and really solidify what abortion access looks like in Nebraska so that it does not continue to become a conversation within our Legislature. I also want to remind people again around this undue burden on the patient around procedural abortion. And so there are reasons why people cannot actually have medication abortion, which that is represented in a carve out within AM616. I can appreciate that amendment, however, again, I am not for LB632 to even get to having to have an amendment. So some reasons why people would need a procedural abortion is an ectopic pregnancy, is chronic adrenal failure, pregnancy with an IUD in place, unexplained vaginal bleeding, C-section scar, ectopic pregnancy, current use of blood thinners, long-term high-dose steroid use, like for lupus, breast cancer, etcetera, and anemia. And so, again, colleagues, I want to uplift that we cannot continue to try to legislate around abortion access in Nebraska, especially when, one, it's been decided. And the process to how fetal tissue is disposed by abortion providers as well as any other medical provider that touches fetal tissues has already-- is already in statute and is being followed. There is no facts that this fetal tissue is being dumped in a dumpster, that it's being flushed down the toilet as previous insinuated in other conversations, that they are following a process that creates environmental safety from a public health standpoint, as well as dignity, even though that has been vague and not defined around what does that look like. So, again, colleagues, I order your reconsideration of my motion to indefinitely postpone LB632. Thank you, Madam President.

DeBOER: Mr. Clerk, you have a priority motion.

CLERK: I do, Madam President. Senator Holdcroft would move to adjourn the body until Tuesday, April 15 at 9:00 a.m.

DeBOER: Speaker Arch, you are the only one who is authorized to speak on a motion to adjourn, so you are recognized.

ARCH: Thank you, Madam President. This is a procedural issue here, and I-- something that the body needs to consider carefully. So my practice has been an attempt to maintain consistency, and I want to

tell you that LB258 on April 1, we, we stayed until 5:37 for cloture. LB3 on April 8, which happened to be another 4-hour on General File bill, we stayed until 5:38 for cloture. We're here on LB632, our cloture is at 5:40, and that would be, that would be cloture as well. I, I'm speaking against the motion to adjourn. I think we should maintain consistency in our procedures. That being said, there was also another, another experience, this, this session, where a motion to adjourn, I happened to have been presiding at the time, a motion to adjourn was entered, we were going to continue through and continue debate. The motion to adjourn was entered, I was not able to speak to it because I was, I was presiding at the but, regardless, the motion passed, we did adjourn. So it's been done, but I would encourage the body, I would encourage the body to vote no on this motion to adjourn. Thank you.

DeBOER: And thank you, Mr. Speaker. Mr. Clerk.

CLERK: Madam President, priority motion, Senator Hunt would move to recess the body until 5:25.

DeBOER: Colleagues, you've heard the motion. All those in favor say-- of the recess motion recessed until 5:25, all those in favor say aye. Senator Sorrentino, please state your point of order.

SORRENTINO: Point of order, we've been specific about adjourning until 5:25. What is the magic behind that number, please?

DeBOER: Senator Sorrentino, my understanding is that this is a recess, not an adjournment motion. A recess motion takes priority over an adjournment motion. The question is, shall the body recess until 5:25? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 37 nays on the motion to recess.

DeBOER: The motion to recess is not successful. Debate continues on LB632. Senator Rountree, you're recognized.

ROUNTREE: Good afternoon and thank you, Madam President. I still stand in favor of motion 178, Senator Spivey's motion to reconsider. And with that, I will yield the remainder of my time to Senator Conrad.

DeBOER: Senator Conrad, you're yielded 4 minutes, 53 seconds

CONRAD: Thank you, Mr. President, and good evening, friends. Just a quick pointer on process. Just because you don't understand priority motions or adjournment versus recess into a time specific that does not necessitate a call for a point of order or parliamentary inquiry. In fact, I think perhaps you could be listed as out of order for just not understanding the rules. Nevertheless, back to the debate, I wanted to talk about the fact that in Nebraska we have case law and a clear delineation and separation of powers for an unlawful delegation of authority. And that happens when the Legislature improperly transfers legislative power to another entity, like an administrative agency, as is the purported statutory scheme in LB632 that is pending before this body. So you see an improper or unlawful delegation when there is not enough legislative guidance or standard presented. This, in fact, can raise questions about separation of powers and unlawful delegation. So the Nebraska Constitution vests the power to make laws exclusively in the Legislature. The Legislature can delegate some authority to other bodies like administrative agencies to implement and enforce laws, but it must provide clear standards and guidance. The Legislature cannot delegate legislative power to an administrative board or an outside agency like the United States Congress, for example. So examples of unlawful delegation can include delegating legislative authority to the governor without providing sufficient standard or the Legislature, for example, cannot delegate its legislative power to define a criminal offense to an administrative or executive authority. So these measures are-- these matters are, in fact, at play in LB632, which by decision of the Speaker was set to contravene our typical approach to cloture because of his new policy developed very recently to instead of have 8 hours of debate on General File, to only afford 4 hours of debate on General File for a matter that was controversial and not subject to amendment. And all parties were well aware of this when the decision was made days ago, had the weekend to prepare, and now everyone is scrambling in contravention of the application of stated policy, nevertheless. So if you look at the language in LB632, again, if you look at lines 13 through 16, it directs and makes otherwise unlawful without defining what unlawfulness means, without any reference to the statutory scheme wherein LB632 would be placed. So it's unclear if that raises criminal penalties, which in or is an unlawful delegation of the power to define criminal offenses, which is clearly implicated in the constitutional framework and judicial precedent. Additionally, if you look at lines 13 through 16, it states: A health care facility at which an elective abortion has been performed, completed if under the committee amendment, shall provide for the individual disposition of

the remains of the aborted unborn child by cremation or interment by burial or, if not possible, as directed by the Board of Health. So when is that not possible? What is the criteria utilized? What is the guideline the Legislature is sending to the Board of Health? What is not possible in terms of logistics, access, cost, whether or not the remains of pregnancy are measurable? I mean, what is the standard or guideline requisite under said delegation of authority to the Board of Health? There is no information in the 18-line bill about that measure.

DeBOER: Time, Senator.

CONRAD: Thank you, Madam President.

DeBOER: Mr. Clerk.

CLERK: Madam President, Senator Hansen would move to adjourn the body until Tuesday, April 15 at 9:00 a.m.

DeBOER: Speaker Arch is the only one who is authorized to speak on this motion, you are recognized.

ARCH: This is an adjournment motion and my, my comments previously stand. I ask that you vote it down.

DeBOER: Thank you, Speaker Arch. The question is the adjournment, so, so this is a voice vote. All those in favor of the motion to adjourn say aye. All those opposed-- we had a request for a record vote. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Mr. Clerk, please record.

CLERK: 25 ayes, 14 nays to adjourn the body, Madam President.

DeBOER: We are adjourned.