

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-fifth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Dr. Mark Danielson from Grace Children's Home in Henderson, Nebraska, Senator Tanya Storer's district. Please rise.

MARK DANIELSON: Let's pray. Heavenly Father, as, as we gather in this place today, I just want to thank you for each of the legislators that serve the, the residents of the state. I just ask, Lord, that you em-- would empower them with wisdom, that they would know that the words that are echoed off the walls here today, not only heard by man, but they're heard by you as well. And Father, we are grateful for an opportunity to live in a place where we can invoke you and your presence in this assembly today, and we do so. Father, we, we remember with gratitude the laborers whose hands have built this state, farmers rising before dawn, and ranchers working in the cold weather, and workers in factories and offices, and teachers in schools, and moms and dads pleading for the hearts of their kids. And God, we understand the, the daily dedication of these people is what forms the backbone of this state and we're grateful for it. Father, guide your servants toward a spirit of cooperative unity today, and might the differences in perspective strengthen us rather than divide us. As diverse viewpoints come together in pursuit of our common good, I pray that mutual respect and dialogue would characterize the discussions that unfold in this Chamber today and that you would be honored through it. And Father, as we deliberate policies and allocate resources, remind us, Lord, that ultimately, history is never going to define us by the bushels of corn we produce, the breed of cattle we raise, the money we make, but history is going to define us by the seeds that we sow and the hearts of the vulnerable people in this state. And God, I pray that our actions would reflect your heart, and it's filled with truth and justice, compassion, goodness, mercy, and opportunity. Lord, we just ask with humble hearts to invoke your name and ask for your blessing on the proceedings today in the important work of sowing seeds that are sown in this Chamber. I pray in Jesus' name. Amen. Thank you.

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

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

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ARCH: Thank you. I call to order the sixty-fifth 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. A communication from the governor, concerning an appointment to the State Racing and Gaming Commission; as well as notice that the Transportation and Telecommunications Committee will have an executive session today at 10:00 in room 2102. TNT, 2102, at 10:00. That's all I have at this time.

ARCH: Senator Machaela Cavanaugh would like to recognize Dr. John Hallgren of Omaha, who's serving as the family physician of the day. Thank you for serving. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR116, LR117, LR119, LR120, LR121, and LR122. Thank you, Mr. Clerk. We will now proceed to the first item on the agenda.

CLERK: Mr. President, Select File, LB246. When the Legislature left the bill, the Legislature had adopted the E&R amendments to LB246. Pending was an amendment from Senator Conrad to the bill, AM882.

ARCH: Senator Conrad, you're recognized for a one-minute refresher on AM882.

CONRAD: Thank you, Mr. President. And good morning, colleagues. Welcome back to our august legislative institution after a hopefully joyful Easter break. Hope everybody had a chance to reset and connect with constituents, community, and family. AM882 is an amendment that I brought forward in regards to Senator DeKay's bill, LB246. AM882 is literally the bill, word-for-word, verbatim that Senator Bob Andersen introduced earlier this year and that was advanced by the Agricultural Committee unanimously. What AM882 does is it provides a policy option alternative to LB246. The amendment signifies that Nebraska's approach would foster innovation and take a least restrictive means to empower consumers in regards to cultivated proteins. LB246 takes a different policy path, which--

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ARCH: Time Senator.

CONRAD: --would ban, which would ban the sale and, and use of those products. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Happy Tuesday. So I am in favor of AM882, and I would be supportive of the bill if we adopt AM882. But without AM882, I'd be opposed to LB246, LB246. As Senator Conrad was just saying that AM882 is a bill that had a hearing that would require labeling of these lab-grown meats, as opposed to just outright banning it. And I think that the-- this is just a better approach for us, as the government, that we shouldn't be in the business of banning things, that we should be in business of making sure things are, are safe for -- as-- when it comes to food, that they are clean and produced in, in a healthy manner, and that, that people have an opportunity to know what is in them, but not making a decision for people, but just giving them the tools and the information to make the decision for themselves. So, I support AM882, because it takes that approach to labeling these things that I think a lot of people here last week talked about, they're not very interested in, in eating and that we don't think there's really a market for them necessarily. But this is a potentially growing industry that's just not there yet, and maybe people will want to consume it. You know, it costs more, and it does have that ick factor that a lot of people have talked about. But what AM882 does, it allows people to make that decision for themselves about whether they think that's something they want, and they just will be able to look. You know, if you can't tell from eyesight, maybe you'll be able to tell side by side. And in the debate on Thursday, there was a lot of talk about, you know, whether we should stop calling, you know, the pressings of almonds, almond milk, or however you get milk out of oats. I guess I don't know. Maybe-- is it pureed? I don't know. That's interesting. Is it like, oat tea? My experience, oats are very dry. So-- but whether we should stop calling these other things milks because they're confusion and it's creating an erosion in the industry-- which, I have no problem saying these things aren't milk. They are something that people use as a milk substitute or a milk replacement in the place of that, but I have a problem with banning those things, and-- partly because the advoc-- argument in favor of banning any of these is protectionism. Right. To saying, regular milk is having trouble competing with almond milk, therefore we should ban almond milk. I don't think that's true.

I think that people want other options for different reasons. Same thing applies to this meat. Right. I don't think that a steak from a cow or-- in-- off a Nebraska ranch is going to have any trouble actually competing with what the governor calls bio-reactor meat, because of that ick factor, because of the cost, and though I haven't tasted it, I just can't imagine that it tastes the same. But that's-- I guess-- I don't know. I don't know if I would try it if I was provided the opportunity. But I just think that com-- the shutting off competition is the wrong approach, that we should give people the tools to make the determinations themselves on these things. And that, you know, that's just not the role for government to put ourselves in between capitalism, so these are companies that are seeking to produce a product that people might want, and the consumer. We do have an opportunity and an obligation to make sure that things are healthy and safe, but I don't think we have-- it's our role to outright ban them. And I know a lot of folks here have said that they're capitalists and that the government should stay out of business as much as possible. I've heard people say that on this floor before. And I think this is very much one of those situations, where it's something you don't like, that's fine, don't buy it. You think that people should know what it is they're buying. That's great, let's label it. But to protect the beef industry here, I don't think is the correct approach to ban something that maybe would compete with it someday. So, I'm in favor of AM882 for labeling. I'm opposed to an outright ban on this. I'm opposed generally to outright bans. I'm opposed to government overreach and intervention into people's lives and making decisions that they should be able to make for themselves, about what it is that they want to eat or do or where they want to travel or things like that. But anyway, so I encourage your green vote of AM882. Thank you, Mr. President.

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

HUNT: Thank you Mr. President. Good morning, colleagues. And good morning Nebraskans. I'm just going to tap my light again because I have some thoughts to share on this bill that I didn't get the opportunity to speak on last week. But this morning, I wanted to speak about something that has been on my heart a little bit, especially in the context of other bills that we have before us today and scheduled for the rest of the session: The, the death of the Pope, the death of Pope Francis. I was raised in a Catholic home with Catholic traditions. And while I, myself, am not a person of faith, I have a deep understanding of Catholic tradition and teachings, and I've also been very vocal and firm in my criticisms of the Catholic church and

of institutional, organized religion in general, especially in how these institutions have failed the people that they claim to serve. But even as a nonbeliever, I was really inspired and encouraged by the example that Pope Francis tried to set for all people around the world, especially Catholics and people of faith. He chose the name Francis after Saint Francis of Assisi. And I heard on the radio today-- I didn't know this-- that he was the first pope to ever choose that name, which kind of surprises me, because in Catholicism, Saint Francis is such a major saint. He's known for his simplicity, his love for the poor, his care for animals and creation and nature. And I think that that choice of him choosing that name was one of the first signals that his papacy was going to be different-- less about hierarchy, less about judgment, more about service. In fact, early in his tenure, he made headlines with this quote that he said when he was talk-- when he was asked by an interviewer about LGBTQ people and about gay men wanting to join the clergy, and he said, who am I to judge? Who am I to judge? And I feel like that single phrase marked a really profound cultural shift in the Catholic Church. Of course, official doctrine didn't change, but I think that the tone of the Church under his leadership shifted more toward openness, toward mercy, and inclusion. And in the years that followed, Pope Francis supported civil unions for same-sex couples. And throughout his whole papacy, he affirmed that LGBTQ-plus people deserve love, dignity, and a place within their communities and their families that is safe and accepting. In 2015, he released *La Dato Si*, an encyclical about caring for our planet. It was a call to action on climate change, linking environmental destruction with global inequality, and urging people of faith to see-- care for the Earth as a moral duty. When I started writing kind of my thoughts about Pope Francis, I thought about his quote that actually stuck with me most, and I think about it often. I thought it about often, you know, for, for years before he died. And he talks about hell being empty. And, you know, all of us have thought, you know, go to hell, yeah, stuff like that. And I-- when he said that, it actually kind of made me think differently about the idea of mercy and the idea of forgiveness. And what the quote was, is he was asked by an interviewer how he thinks hell is. The interviewer said, how do you imagine hell? And the Pope gave a short response, and what he said was, what I'm not going to-- what I'm going to say is not a dogma of faith, but it's my own personal view. He said, I like to think of hell as empty. I hope it is. And that view reflects a long history of Catholic mysticism and theology that love is more powerful than judgment, and that God's greatest desire is not to punish us, but to save us. In the final years of his life, Pope Francis was outspoken

and unwavering in his condemnation of violence, war, and human suffering all over the world. He condemned genocides in Gaza, in Sudan. Maybe you've seen in the news on Saturday night, nearly every night, he does a FaceTime with the Catholic Church in Gaza. And he did that on Saturday night. He pleaded for peace in Ukraine, in Ethiopia, in the Democratic Republic of Congo. And his whole time of service, he refused to look away from the human cost of war. And even in frailty, his voice was strong for these people who were facing decimation and war. And I think that that kind of moral clarity is really important coming from world leaders, because that's not something that we see often enough. He made a genuine effort to lead with empathy, to walk with the vulnerable, and to hold the church to--

ARCH: Time, Senator.

HUNT: --a higher moral standard. May he rest in peace. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I hope everyone had a wonderful holiday weekend if you celebrate Easter, as my family did. And we had a really nice time. I'm sitting here and listening to Senator Hunt's remarks, and very much appreciate what she's saying about Pope Francis. It does feel like a great loss to have lost the leader of, of my faith. And I know that this will be a, a time of reflection and prayer for Catholics around the world, coming together to mourn the passing of Pope Francis, but also look forward to what is to come and the reflection that will happen within the Vatican in the coming days and weeks. This is something that has, in my lifetime, only happened-- I think this will be the fourth time in my life that there has been a installation of a new pope. And so it is a-- there's a great deal that goes into it and a lot of tradition. And I was listening to NPR. And yesterday, they were interviewing various religious leaders and political leaders. And Congresswoman Pelosi, who is a woman of Catholic faith and deep Catholic faith, was talking about when she last met with the Pope and how there were all these protocols. And she said, you know, 400 years of protocols and history, and there's a lot that goes into those interactions, and it's very reverent and important. So I just was listening to Senator Hunt's comments and, and reflecting myself on the loss of this great man and great servant and the, the compassion and hope that he provided to the world, even to those that didn't share his faith, just so many amazing things that he brought forward. He was also-- in addition to being the

first Pope Francis, he was also the first Jesuit to ever become Pope. Jesuit is a order of priests. And actually, my wedding was officiated by a Jesuit priest, and two of my three children have been baptized by Jesuit priests. And my brothers were all educated in high school by Jesuit priests at Prep-- Creighton Prep High School in Omaha, and so I have a long relationship with the Jesuit Order. And they are always in service of others. That's sort of their whole thing. And so, it's no wonder that someone like my brother, Senator Cavanaugh, would be here in service to others, as he was educated in the Jesuit tradition. So I will speak more about this bill today, but I just also wanted to take a few moments to acknowledge the passing of Pope Francis, because it is something that will be felt deeply in my community and my faith. And I just wanted to lift up, as well, the comments that Senator Hunt was making. So I will get back in the queue to speak again on the actual underlying bill. But may his soul rest in peace and may his memory be a blessing to us all. Thank you, Mr. President.

ARCH: Senator DeKay, you're recognized to speak

DeKAY: Thank you, Mr. President. And good morning, colleagues. LB246 is the bill I have brought in partnership with Governor Pillen. It would declare cell-cultured proteins to be adulterated under the Nebraska Pure Foods Act and would essentially prohibit them from being sold or distributed commercially in the state. With the enactment of LB246, Nebraska would join three other states, Florida, Alabama, and Mississippi, which have prohibited the sale of cultured protein products. LB246 advanced from General File by a vote of 33-4-12. I have made the argument that synthetic meat derived from the cell-culturing process is a novel food product with uncertain and even unknown food safety risk and nutrit-- and nutritional composition and that a lot of research is needed before cultured protein products can be regulated properly, and can be fairly and honestly sold, even with labeling. I have also expressed my concern that a cultured-protein industry will claim an unearned equivalency of cultured meat with the cultural, culinary, and nutritional values the public associates with real meat and makes claims that the-- of environmental superiority that are uncertain at this time. And finally, I fear that much of the motivation behind the development of cell-cultured protect-- products is to eventually displace animal husbandry. I will defer to Senator Conrad and her brief update when she's back on the mic on the pending amendment AM82 [SIC], which would replace a bill with the labeling alternative. I have, out of all due respect to Senator Conrad, opposed this amendment and I ask for your red vote on the amendment and green on the underlying bill. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today in favor of Senator Conrad's AM882, as it pertains to the labeling, and I think respectfully opposed to LB246. Excuse me. I spoke briefly about this last week on the mic, and I just wanted to get up and highlight a couple of points that I think bear repeating, but also some points that I don't think got made during the discussion last week. I went home, obviously, over this weekend, and spent time with my, my family and my wife's family. And obviously, they asked about the Legislature, and we talked about some of the issues that are before us. Obviously, there's some of the hot-button issues that a lot of our family and friends are, are very curious about, and I talked a lot about, you know, what's going to probably come up later today on the agenda. But they asked what we were talking about right before I left, and I told them that we were debating the quote-unquote fake meat bill. And genuinely, all of them were very surprised. When I talked to my friends and my family, they were, I think, confused a little bit about the issue. They were curious about what it dealt with and what it was actually trying to ban or, or what it applied to. And they sort of had a larger, I think, concern that this is what we were spending time on when there's been all this discussion about things such as the budget, property tax continues to come up in conversations that I have. We've obviously had a lot of conversation about the, the so-called missing year, and the property tax relief that people are unable to claim this year. And so, I think there was a little bit of frustration that they, they felt like this is what we were spending our time dealing with. But that being said, there are many things we deal with in the Legislature that I think the public is not quite as aware of or, or certainly, they don't pay attention to every bill the way that, the way that we do. But I think it's important to make sure every bill on the board gets its due time, and to make sure that we actually dig into the issues, so we're not just voting green or red on a bill without a reason. And I think that's been part of my, my general, I guess, concern this session, is there have been a number of conversations I've had with colleagues of mine, who have looked at the board and said to me that they don't think the bill on the board does anything, or they don't think the on the bill is important so they're going to vote for it anyways. And I, just personally, colleagues, think that that's a problematic angle to take. I think that simply voting for a bill because you don't know what it does and you don't think it causes any harm is, is problematic. I think we should be passing laws when they actually have an effect and I think that we

should be passing laws that address a problem. And without an identifiable problem before us, I think it is generally problematic to be overly heavy-handed in our approach as a state government. I think, as it pertains particularly to LB246, it was clear during the debate last week that there is not a, a prevalent issue of fake meat being sold at the grocery stores and people being duped into buying it. And it sounds like to me this is actually not even on the shelves at all, at this point in time. And so, I think that LB246 is slightly premature in its approach to banning a product that is not currently available, and I think it also seeks to be a little bit of a hammer when perhaps maybe a scalpel is more of what the answer we're, we're looking for here is. I think Senator Conrad's bill-- which I know has been supported by Farm Bureau and others in the industry, who know far more about the cattle industry and animal husbandry and general livestock than I do, obviously, as an urban senator. So I defer to them when they talk about what they do or don't believe when it comes to this issue, in particular. And I think that labeling is a clear answer in terms of ensuring that consumers are protected without necessarily being overly heavy-handed in banning an entire industry that may or may not even be coming to Nebraska. And so I, I might talk again. I think there's some important other issues I wanted to get into here, as it pertains to the USDA and the FDA regulation. But big picture, colleagues, I just want to encourage us to be thoughtful when we are passing legislation, and to not just go along with what's on the board out of a desire to hurry things along. I think that every bill deserves its due diligence. And certainly, if you believe that there is a, a less heavy-handed or strong approach to solving issues before us, as Nebraskans, I think we should look at those avenues first before we make a broad, oversweeping ban on any particular industry. So, I appreciate Senator DeKay continuing to listen to the conversation. I might have some questions for him next time I'm on the mic, just to--

ARCH: Time, Senator.

DUNGAN: --give him a heads up, but thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. And thank you so much to my friends and colleagues who've already weighed in. And to my friend, Senator DeKay, for sharing his perspective on why he has a preference, a policy preference for a ban versus a labeling solution on this matter at this time. I appreciate and

understand his perspective in that regard. But one of the primary driving policy underpinnings in regards to proponents seeking a, a ban as is present in LB246 without the amendment, there were some claims, at least on General File, that proponents were deeply concerned about health impacts. I went back and I had a chance to review the committee transcript more closely. And found very scant evidence in regards to any sort of data or scientific study or consensus in regards those purported health-- negative health impacts that proponents had lifted up and utilized to fuel a policy preference for a ban versus, versus labeling. So if, perhaps, Senator DeKay would yield to a question.

ARCH: Senator DeKay, will you yield?

CONRAD: Maybe he's not here. That's OK. I understand everybody's busy with a lot of different agenda items. But I guess I will just ask rhetorically on the record or if another member of the Ag Committee wanted to weigh in, just so that we could have a clear, unambiguous record as to what scientific studies or research proponents are relying upon, in order to put forward a really, rather extreme instance of governmental overreach into the free market, in regards to this issue. And again, I just wanted to underscore, it was clear in the committee hearing, and Senator Dungan just checked-- talked about this very briefly, as well, but the FDA and the USDA, USDA already have created a legal and regulatory structure and framework for addressing cultivated proteins, both in terms of safety and labeling, and that piece does need to come to bear as well. Because if, in fact, proponents of this legislation are relying upon different research than our federal, federal policy and regulatory experts, then that really needs to come to bear as well. And I just don't think that was apparent or clear in the committee, in the committee hearing. And I don't remember specific citations necessarily, that demonstrate any sort of scientific consensus in regards to purported negative health effects for this new wave of innovation when it comes to cultivated proteins. Again, I know one thing that was prevalent at the committee level was a lot of really smart questions from committee members, in particular, concerns about sparking not only litigation but also retaliation from our sister states, if Nebraska were to move down this path of instituting a total ban, rather than looking at the policy option that is preferred and supported by Nebraska's leading ag groups. And that was very, very clear on the record for both Senator Andersen's bill, which my amendment replicates, and in regards to the hearing on Senator DeKay's bill as well. And so, it-- I think it is important that we always listen to those on the front lines of these issues, and I think that the policy arguments brought forward by

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leaders at the Nebraska Farm Bureau and Cattlemen and other ag industries really resonated with me, and I know also have found support from many right-of-center think tanks who are looking at this issue from--

ARCH: Time, Senator.

CONRAD: --a free-market perspective. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I wanted to answer some of Senator Conrad's questions. But I did want to talk a little bit about the discussion that we had in the Ag Committee, of which I am a member. And I know we looked at both bills. The amended version, AM882, is Senator Conrad's bill that I do support, and that is the one referencing labeling. And that is the, the one that passed out of the Ag Committee unanimously, 8-0, because we felt that is the appropriate step, at this point, to take to make sure that should any of the cultivated, lab-grown meat be presented to the market, that it has absolutely clear labeling. And we know that the other bill, the one, LB246, did not get-- garner the same amount of support, because we felt it was a little bit premature on going forward with that. Senator Conrad asked about studies. There have been no studies that have documented any harm to a human consuming this type of lab, lab-cultivated meat or proteins, but Senator Kauth did detail some of the elements that are actually used in the cultivating and nurturing of these proteins that sounded either disgusting and/or harmful. And so, we know that the Food and Drug Administration has high standards and regulations that will determine whether this is a viable product. And going back to something that I talked about before is, the market economy is going to play the biggest role here. There is no doubt about that. And many of those companies and labs that have been looking at this element of cultivating proteins in a lab have really pulled out their funding on it, and I, I talked about that a little bit before. And then there's other articles that came out, talking about how there is just no return on investment for these labs, because at this point in time, there's no market or interest anywhere for this product, except maybe a teeny, teeny percentage of the population in California. So basically, they said that the funding for a lot of the labs that are doing this experimental work is drying up. And considering the current volatility of our markets and the high interest rates, it's likely to continue to decline because there is no profitability or return for the investors. So this is just one snippet

I wanted to continue on my discussion about. The market's gonna determine if this is gonna be a viable and a sustainable product. So it goes the IPO market, that's initial public offering market has been locked up, and there's just a general risk aversion amongst companies, among VCs, that's venture capital, to invest money. The good news is that these are largely cyclical issues. But at the sector level, there are other issues. There is a proliferation of companies doing the same or similar things, and many of these companies probably would not have gotten funded if funding wasn't so available when the interest rates were at near-zero. And we know that that has changed dramatically. Also going on to, you know, the next step, Food and Drug Administration really has to verify that this is safe for all consumers. And you know, I'm thinking back on so many products that are sold in a grocery store today, would they have gotten there if it hadn't been for this investment, for looking into gluten-free products, where we know that an increasing number of our population has adverse physical reaction to those products, and coming up with gluten-free has allowed a lot of people to eat more baked goods. You know, we, we hear in our community and we see that there are more people interested in, in eating vegan and a plant-based diet, eating a vegetarian, we see organic, we see soy products. And then I'm, you know, thinking about Senator Cavanaugh's comment. You know, if we hadn't done experiments-- you know, that's a big part of our ag industry, taking all the-- you know, we were number one in the entire United States for DEBs, dry edible beans, and that's soybeans. And soybeans are used in the production of soy milk. And for those that are lactose intolerant, intolerant-- the point I'm trying to make is that without these lab efforts and verification from the Food and Drug Administration that these products are safe, they wouldn't be sold, and that's where we're at with this product here. It hasn't been tested completely, and I think it's premature to go forward with a complete ban. Labeling that was proposed by Senator Andersen is the right step at this right time. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I appreciate Senator Conrad for putting in the work to put this amendment together. You know, the amendment really reflects what a lot of opponents of the bill have been saying all along, which is the solution isn't a ban. It's never a ban, it's labeling. It's information. It's consumer choice. It's making sure that the people who are potentially buying these products know what they're actually getting in transparency. You know, we're in an era right now where, at the federal level, they're, they're gutting

the FDA. I, I read some quote this weekend in the news that the Trump administration wants to send food regulation and whatever back to the states. And I understand that LB246 is trying to be basically like a food regulatory bill, I suppose, but I think we have to look at how the system already works and the transparency that we already have for products and say, you know, I think that system's working pretty well. Listening to proponents of the bill speak, it feels like kind of a protectionist attitude about certain industries, but you know, plant-based proteins, vegetarian alternatives, that's an industry, too. And the person that wants to buy a, a steak from a cow, beef, and the person that wants to buy, you know, grasshopper steak or I don't even know what it would be because it's not even on the market in Nebraska, that's not the same consumer. And that product would never be labeled the same. And the solution, if anybody is worried about that, is to just codify what's already happening, which is labeling. This amendment is a good-faith effort to bring LB246 closer to a workable and fair policy. Under this amendment, any food product that resembles animal protein but is made from plants, insects, or cultivated cells, must include a qualifying term like plant-based, lab-grown, vegan, cell-cultured, or any similar language that would apply to the product. And that's what companies already do, and it's what consumers already expect. This is how food regulation already works. If you sell oat milk, you label it oat milk. If you sell veggie burgers, you label it veggie burgers. We don't ban it. We just trust people to read. We trust consumers to make the right choices for their pantries and their fridges and freezers and their families. And AM882 preserves that trust, while ensuring transparency in marketing and packaging. This amendment also avoids treating cultivated meat like some kind of public health threat, which it isn't. The original bill classifies it as a public health threat, lumping it in with spoiled food or adulterated food, and that's not accurate. It's not scientifically accurate. That's not what's supported by the USDA or the FDA. And frankly, it puts Nebraska out of step with national regulators and food law across the rest of the country. Instead, this amendment clarifies and ensures that products are clearly labeled with qualifying terms so that consumers know exactly what they're getting, that these products are kept in a physically different place in the grocery store, which I think is pretty generous. I don't even think that's necessary-- and that these products are monitored for misleading advertising or branding. That, colleagues, is how you balance consumer protection with innovation. It's how you create public policy that respects public health, without shutting the door on future industries. I've said before that I don't believe that

banning cultivated meat helps Nebraska's ranchers. What does help them is a fair market, good infrastructure, access to markets and water and broadband and skilled workers. I think that we can support traditional agriculture and still be open to new food technologies like cultivated meat that are going to be coming whether we pass this bill or not. What this bill basically says is when that technology comes, when there's a consumer demand for it, Nebraska is going to shut itself preemptively out of that economy. But the future isn't something to be afraid of. It's something to anticipate and shape and be a part of constructing and creating. What we have to do in this body is what's necessary to bring the future into existence, not keep resisting innovation and the new ideas of the future with bans-- ban after ban after ban. This amendment gives us that chance to shape it. It gives us a chance to respond to market trends and consumer demands with logic--

ARCH: Time, Senator.

HUNT: --instead of panic. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I rise in support of AM882. I was reading through the online comments, and I was looking at the opponents, trying to see sort of what some of the public is thinking with this particular legislation. And there are online comments that actually say that they'd like-- they don't say that they like AM882, because it didn't exist when they were doing the online comments. But they would like the labeling amend-- that-- it to be labeling instead of an outright ban. That way, I think, you know, it allows the industry to grow and business opportunities to increase here in the state, while also keeping the public informed, and that seems like a, a good compromise to me. I was wondering if-- oh sorry. My, my computer is now trying to restart on me. Of course it is, because I'm using it. I was wondering if Senator Ibach would yield to a question.

ARCH: Senator Ibach, will you yield?

IBACH: Yes, I will.

M. CAVANAUGH: Thank you, Senator Ibach. I see that-- well, you're on the committee. And I saw that you were present, not voting on the bill, and you were present, not voting on moving the bill. And so, then I wondered if you had any thoughts on this amendment. Does that

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change things for you? Would this bring you along, or would it keep you where you're at?

IBACH: Well, it's been no secret that I've been on team "label it" from the start. I followed the Nebraska Cattlemen and the Nebraska Farm Bureau's lead on what does this bill do. However, what this bill does is it seals our approach to not allowing groups that-- like PETA that are convinced that there are alternative forms of meat or also known as meat that could exist in our state. And that is one thing that, as a cattle producer myself, we cannot allow happen. Because if you look at the nutritional value of beef, which I'm familiar with, and you look at the-- how cell-produced meat-- or products are derived, there's really no comparison in nutritional value. And so when we look at our children, when we look at our parents, when we look at what is the most healthy approach to these products, beef is superior. And I would have other industries, pork, chicken would say the same.

M. CAVANAUGH: Sure. Yeah. I think anything synthetic is probably-- I'm weary of. I-- I'm a whole foods-type of person. Not the grocery store, although it's-- the grocery store is great. But I-- when I say whole foods, I mean like, foods that are a whole thing, like an apple. And so, the same thing-- even though I am a vegetarian, everyone around me eats meat, and having meat products that are not synthetic, I think, probably would cause less health problems, so thank you. So the-- you are a pro-label it. But does that bring you-- it--so wait. If AM882 is adopted, does that bring you along on the bill?

IBACH: Well, I think that we're to a place where we can either label it or we can ban it.

M. CAVANAUGH: Yeah.

IBACH: And so, whichever approach--

M. CAVANAUGH: Happens.

IBACH: I, I-- like I said, I've always been on team "label it" because I follow the South Carolina model that actually requires labeling of how the product is made. However, in our state, because cattle is our number one industry and I, I will do anything to protect that, banning it is not a bad thing. There are other states that are following Florida and other's leads, and so--

M. CAVANAUGH: Does South Carolina have-- we're almost out of time, but I'll ask you off the mic about South Carolina. But thank you for yielding to my questions. I'm not on the committee, so sometimes I like to hear what committee members and also people who are a little bit more well-versed in the industry, as Senator Ibach is, than I am. So, looks like my computer's going to just restart itself while I'm trying to do work here, so I guess I'll yield the remainder of my time. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. I rise again, colleagues, in favor of AM882 and opposed to LB246 in its current iteration. I appreciate the discussion here, because I think this is one of the more interesting things we can debate that doesn't really have partisan lines. And I always appreciate it when we, as a nonpartisan Unicameral, can find issues that sort of split us down nonpartisan affiliations. I think it's always really interesting and kind of fun. I was wondering if Senator DeKay would just briefly answer a couple of questions here.

ARCH: Senator DeKay, will you yield?

DeKAY: Yes.

DUNGAN: Thank you, Senator DeKay. I promise these should be pretty simple. I'm not trying to play gotcha questions. So we've heard, I think, you know, over the debate last week as well as today, about what the intent behind this bill is. And I just want to clarify that for the record. We've heard both, I think, health reasons and also, sort of the protection of the industry here in Nebraska. Between those two, what would you say is the primary purpose for passing this legislation? Is it to protect consumer safety or is it to sort of protect the agriculture, thus livestock industry here in Nebraska?

DeKAY: On the immediate scope of it all, it would be for consumer protection. I mean, I have a list of the hazards. We could go through all of these hazards. There's pages of them, but things that could possibly go wrong or things that are added to this to grow this product. Long-term effects. Yeah, if we end animal husbandry in the state of Nebraska-- it's not gonna happen in my lifetime, but it sure, sure could happen in the not too distant future. So to protect animal agriculture from beef, pork, chicken, veal. Yeah, that's something that we have to look forward to. But we need to look at this and work

with it in a scope that we're not going to ban research on this. If this is a product that can be viable in the future, and that is needed in the future, and it meets all the safety regulations, that is something that we're going to have to wrap our arms around. But at this point in time, there's still too many unknowns. You don't know what you know if you don't know it. So, that's where we're at.

DUNGAN: Thank you, Senator DeKay. I appreciate your answer on that. And so, colleagues, the reason I asked that is just, I think it's important to understand the intent behind the legislation for us to, I think, wrap our minds around sort of whether or not, A, it's something we should do, and B, whether or not it's going to run into any kind of legal problems. I was actually having a conversation off the mic here, just a minute ago. And my understanding is Florida is one of the few states that has done this, and I believe Florida is likely to have some legal challenges, it sounds like, based on their banning of fake meat. So that got my brain just sort of wondering about what the potential legal ramifications are of passing LB246 in its current iteration. And it, it brought up two issues that I think are worth diving into, at least briefly. The two main, I think, challenges that pop into my mind immediately are an equal protection issue, given that you are differentiating a product from other products that are similarly situated, and then also, the potential of an interstate commerce clause issue, with regards to us legislating in a way that could interfere with that interstate commerce. As it pertains to the equal protection issue, anytime you treat two similarly situated things differently, it could raise the, the idea of equal protection problems. And unless those things are of a protected class, like race or, or religion or, or gender in certain circumstances, the only scrutiny that it needs to withhold or stand up to is what's called rational basis scrutiny, which, essentially, is the court saying, does your law that you passed bear a rational relationship to the underlying intent of what your goal was? And I think that even looking at rational basis, it's, it's called into question by virtue of the fact, as Senator Conrad pointed out, that the USDA-- I'm sorry-- the USDA and the FDA have both approved lab-grown meat. And so although there are some concerns, I think, that have been raised with regards to the overall health concerns, it's unclear to me if there's even a rational relationship between the banning of a product and whether or not there is, is a, a genuine safety concern if it is currently federally approved. In addition to that, if the goal is to prevent this product from being imported from other states, from the places that are currently producing it, I think that could also potentially

run afoul of interstate commerce, because my understanding is this is not being made in Nebraska at all. And so for us to ban a product that is exclusively being imported from other states, there is that potential, I think, for an interstate problem, because we are not allowed, as a state, to say--

ARCH: Time, Senator.

DUNGAN: --that you can't bring things in from other states. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. So I wanted to touch upon, perhaps, two additional key components, at least, to build the record in regards to these issues. But the first issue is kind of in relation to the interplay with the governor's executive order on this topic, issued in August 2024, which was perhaps more narrow, in terms of a restriction or a prohibition directed to state agencies, and related state-contracting activities to basically not buy or procure cultivated meat products. The governor issued that executive order last summer, in August of 2024, and held a press conference in relation to that announcement as well. As reported in the press, our fantastic Director of Ag, Sherry Vinton. At the press conference indicated that as a companion endeavor in relation to the executive order that the Department of Ag would be initiating a rule and reg process that was really squarely focused on labeling and following the model that exists in our sister state of Iowa in regards to this issues to strike the right balance in terms of innovation and consumer protection. It's unclear to me what the status of that rulemaking endeavor is today and what changed in just a few short months in terms of policy approach in the Pillen administration, Department of Ag and otherwise, in announcing as part of the executive order in August 2024, an effort that focused on product and consumer labeling modeled after Iowa. And then just a few short months later, as the governor, I believe, was unveiling his policy priorities for the 2025 legislative session, there was a move to ratchet up to a total ban. And that is the, the measure, of course, that is moving through the body and the underlying bill on the amendment that, that I have pending here. So that wasn't clear to me in the record at all what the status was for the rulemaking in regards to a labeling approach, based on Iowa, emanating from Governor Pillen's Department of Ag, as noted in the press, and then what the shift or change was over just a few short months, in regards to the administration's

approach to dealing with this emerging issue. Additionally, I do just want to point out that when you do a quick Google search to look at the top ag states in the country, which, of course, Nebraska is so proud to be at or near the top of, of that list, when you look at the top ten ag states in Nebraska-- or in the country, none of them have taken a ban approach. And our sister states that Senator Duque lifted up that did take a total ban approach don't, don't typically fall into that, that top tier. Our sister states that have a similarly successful and robust and rich industry in regards to agricultural production, who have taken up this issue have taken a labeling approach, as is presented to you in AM882. So I think that we know that our sister states and state government provides those great laboratories of democracy. And while we don't need to follow the pack and should chart our own way, it is one data point that can be instructive to understanding the best way to approach a policy issue. Our sister states, particularly those that are similarly situated in regards to having a vibrant and successful ag industry, have all moved forward with the labeling approach that apparently, the administration supported in August of last year, and then has swiftly changed its mind without any sort of indication as to why, in moving forward with a total ban as presented in LB246. So I did just want to lift that, because a discussion of the executive order and the related--

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, again, I rise in support of AM882 and in favor of LB246 if amended with AM882, but opposed to LB246 if it does not include AM882. And I do appreciate the conversation. I think there's been some really interesting points raised. And I think there are some just sort of, I don't know, disagreements about what is the priority here. But I thought one of the things-- the reasons-- and I, I pushed my light was Senator DeKay was talking about the intention of the objective here, and that other states have done it, and those sorts of things. But the part that struck me was that folks like PETA, which I believe stands for the People for the Ethical Treatment of Animals, is what PETA stands for. And PETA is a organization that wants, you know, to treat animals ethically, based off of that title. I don't know a whole lot about them, other than I've heard, in things that Senator DeKay implicated was they advocate for banning industrial animal production, and that--

something to do with the fact that if we allow lab-grown meat, that is an entree for organizations like this to argue that we should only do that, I think, rather than raise cattle, and that would be bad. And the reason that struck me was, proposing a ban as a way to prevent other bans. So, you know, the-- what's the old saying? As long as we're talking about animals, it's what's good, good for the goose is good for the gander. Right. If you're going to stand up and say, it's OK to ban something because we don't think it's healthy or safe-- and Senator Ibach was talking about, you know, that the health facts of genuine beef are irrefutable. You know, there's a lot of-- protein is an important aspect of any diet. I spend a lot of time trying to get my kids to eat more protein. Less sugar, more protein. But the logic of saying we should ban things in the interest of stifling competition, which is what Senator Murman was talking about on Thursday in terms of other types of milks, or ban things because if we don't, then it will create such a level of competition or supplant the product that then these organizations will advocate to only produce that and not what we're currently doing. I, I just don't see the logic in that. I don't get it. If you think that this product is not safe for consumption, I think that is a fine thing to think. As Senator Dungan just pointed out, that they can't sell it or serve it or produce it for human consumption unless it's approved for health and safety by the Food and Drug Administration, which is also true, by the way, of beef production. I spent my first two years on the general-- or on the Agriculture Committee, where I got to learn the distinction between a federal USDA-inspected processing facility and a local locker. Senator Brandt brought the herd share bill, which meant that you could go and not use it in USDA processing and still purchase food that you-- because you knew the person who produce-- produced it, you knew the animal, you know the quality, so you didn't require that government intervention to tell you you couldn't consume that beef. So, it's just like your family or your friend or something like that. This is, again, where we're inserting the government into a process, and saying you can't consume this, even though we have determined it to be safe for human consumption and the process to be clear. But again, I'm going to run out of time, so I might push my light again. But I would just caution you against exercising the logic to say, we need to ban this. Otherwise, in 50 or 100 years, PETA is going to come around and say we need to ban genuine beef and only have lab-grown meat. I mean, one that treads into the territory of science fiction, but just the logic itself: if a ban is OK, then it's OK. Right. If we can ban beef, a certain type of beef, because we don't like how it was produced, you can ban beef because you don't like how it was produced.

That's a bad idea. And so folks here who wanna herd cattle, process them, fatten them up, do all those sorts of things, that-- that's a normal process, right. But there are people who don't like that and they will advocate for banning that process, because they don't like it. They think it's inhumane. They don't think it's ethical way to treat animals, and that it should be banned, so thank you, Mr. President.

ARCH: Time, Senator. Senator Hunt, you're recognized to speak. This is your third opportunity.

HUNT: Thank you, Mr. President. I'm, I'm speaking in support of AM882 because I think it's a good fact-based middle ground. It's actually a compromise, which I don't normally-- I'm not normally really a fan of that, but this does improve the bill. This amendment doesn't say, we love lab-grown meat. It doesn't say let's ignore Nebraska's beef industry. What it says is just let's be honest with consumers, let's be accurate with labeling, and let's not preemptively ban something that hasn't even come into the market yet. Think about what's actually in this amendment. It just requires truth in labeling. It says if you're selling something that looks like meat but it's made in a lab, you need to disclose that, and that's already happening, of course. But AM882 just codifies that, it ensures consistency, and it protects consumers against misleading policies. That's a pro-consumer policy. That's government doing its job well. Contrast that with LB246, the original bill, which bans an entire category of products before they're even available in Nebraska. That's not conservative, that's not pro-market, and it's not how Nebraska-- it's not how we've ever grown our economy. It's not how we've become leaders in agriculture. We've always been a state that grows with the times, that finds a way to lead in the next chapter of farming and food, specifically. We have resources at the University of Nebraska, we have resources from obviously, generations and generations of farmers and producers in the state, with experience to draw upon. We have a lot of institutional support for those industries, and AM882 says we can keep doing that. We can keep doing that, not only that, but grow, but do more to bring more economic development and more opportunity to Nebraska, to keep feeding the world. Cultivated protein might not be the future for everyone. I'll tell you, it probably won't be the future for me, you know, barring some kind of medical diagnosis or something that prevents me from eating chicken strips every day, as I do, I don't think that I will probably be eating cultivated protein. But it will be a part of the future for somebody, maybe for Senator Cavanaugh, our resident vegetarian, maybe, you know, anybody else. But it will be

part of the future for someone. It could be a part of a future for investors, for researchers, for entrepreneurs, not just for vegetarians, honestly. And yeah, it could potentially be a part of the future for farmers and Nebraskan producers who are looking for new revenue streams or who are looking for different investment opportunities or potentially for some of your children who are interested in the future of food and want to stay in Nebraska and want to be a part of that innovation. So why would we preemptively ban that and shut it out? When that moment comes, colleagues, when a startup wants to try something here, when the university wants to spin out a research program, don't we want Nebraska to be open to that? Don't we want Nebraska to say, we have room for you to study that and grow that and create that, instead of the Legislature coming in, you know, in 2025, perhaps years before this is even, you know potentially happening, and say, ah, we can't because the Legislature banned it in 2025, thinking they were saving ranchers. You guys are so scared. Look at all the list of bills we have. Look at what we've already done. What's the theme? You guys are so scared. With AM882, we're not saying anything goes. We're saying if you're honest, if you are transparent, if you don't mislead people, if you say what the hell it is on the package, then the market can decide if they want it or not, and that's the foundation of economic freedom. That's the kind of freedom that I hear a lot of you speak about with pride. We should be able to agree on that kind of freedom, whether we're talking about burgers or we're talking about black beans or whatever. The truth is this amendment doesn't make the bill perfect, but it makes it better, it makes it more defensible, and it brings us back into a place where the goal-- government's role is to regulate, not to ban, to inform consumers, not to censor innovation. So I think that this amendment supports a future for Nebraska agriculture. I think it informs consumers, and as someone who believes in limited government, free markets, not letting fear dictate our laws, I urge you to support AM882. Thank you, Mr. President.

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

ROUNTREE: Good morning, and thank you, Mr. President. Good morning, colleagues. And good morning to all of those who are watching online this morning. I'm in support of AM882, on the labeling of this particular item. But I wanted to rise, and as I always tell our constituents that we do hear them, we listen to them. I want to read an email that I got from one of my constituents down in Bellevue. And she wrote, said please vote no on LB246 when it arrives on the floor. This bill is unethical and a conflict of interest. It seeks to

preemptively eliminate the opportunity for Nebraskans to eat a perfectly healthy product before it even arrives on the market. It would prohibit the production and sale of lab-grown meat. It is unethical for a few reasons. Animal agriculture is one of the main drivers of climate change and pollution. Persons who wish to reduce their carbon footprint may choose to eat this meat when it is ready for the market. There are also many people who, for philosophical or religious reasons, choose not to eat animals. Prohibiting them from following their chosen lifestyle is a violation of freedom of speech and expression. It also includes these products in existing legislation against contaminated and spoiled food. Honestly, this is disingenuous and unacceptable. And finally, it is a huge conflict of interest, in that this bill was put forward at the request of the governor, who personal income is based in pork production. Nebraska Farm Bureau is also opposed to this bill. They know that this product will not replace animal meat and are content to let consumers choose the products that they-- that are right for them. Thank you for your help and consideration in this important issue. So I wanted to read that into the record for the hearing of my constituent. And I'd like to yield the rest of my time, Mr. President, to Senator Conrad.

ARCH: Senator Conrad, 3 minutes.

CONRAD: Thank you, Mr. President. And again, good morning, colleagues. Thank you to my friend, Senator Rountree, for his comments, but also for the time. I see that my computer is going through the same update that Senator Cavanaugh's was going through. But I was going to draw the body's attention to a, a couple of other key considerations in regards to this labeling approach versus the ban approach in the underlying bill. So Senator DeKay and others have talked about their concerns in regards to the future of, of ag, which he's devoted his life to, and I know is something that's critically important to our state and many, many, many members. But they talked about concerns, essentially politically-based, on a few groups who would be considered left of center, in regards to their advocacy or activities in regards animal production or otherwise. But I do want to lift up the fact that when it comes to a labeling approach versus a ban approach, really, the labeling approach is supported by a significant amount of right-of-center groups, based in economic freedom. So if you go and you look at, for example, some research and policy analysis that has been produced by the Cato Institute, which is, is probably pretty far away from PETA on, on the political spectrum, you can find some really interesting articles and policy analysis from that right of center think tank with well-established history and credibility, which really

details the fact that these kinds of bans inhibit economic freedom and innovation and entrepreneurship, and that the development of cultivated protein is not solely at one point left of center on the political spectrum, as purported by proponents like Bill Gates or others, but is also being explored and investigated by group-- by big businesses in the ag sector, like Tyson or JBS. And they go on to talk about why those businesses are interested in exploring these new innovations. So I always think it's really interesting when political issues, you know, generate a significant--

ARCH: Time, Senator.

CONRAD: --amount-- thank you. Mr. President.

ARCH: You are next in the queue, and this is your third opportunity.

CONRAD: Very good. Thank you, Mr. President. I do think it's very interesting when political issues are able to generate a significant amount of consensus sometimes, amongst very-- amongst unlikely political allies. And I think that that usually can provide kind of a signal to policymakers that there's something very interesting happening with that issue. When you see unlikely allies come together, coalesce around a policy option, and sometimes for very different reasons but with the same result, it, it, it can usually be a powerful and interesting area in, in public policy and I think, really, the, the labeling approach, as put forward through AM882, really helps to signify that. So, the consensus from our sister states, particularly those that are similarly situated in terms of strong ag-- a strong ag economy and incredible ag success-- has been to move to labeling. Right-of-center groups like the Cato Institute and the Institute for Justice, and big business like Tyson and JBS have all, you know, looked at these emerging issues and perhaps they haven't specifically taken a position on ban versus labeling, but they, they generally are, are looking more so towards a labeling rather than an outright ban to allow for development of this emerging issue. And then you look at the consensus from our own leading ag groups in Nebraska, as clearly delineated and expressed at the committee level in regards to the underlying bill and Senator Andersen's bill on labeling which my amendment mimics verbatim, you can see that there is significant consensus, not only amongst our sister states, not only among divergent political actors, not only from leading ag groups in Nebraska, who are on the very front lines of these issues and arguably would have the, the most to lose in regards to competition or attempts to undercut their way of life or their business, and you see a

consistent through line, a consistent through line towards economic freedom and against economic protectionism. And I think that's powerful and something that we should really, really take into account as a better approach to this emerging issue. I also wanted to spend a little bit of time talking about some of the litigation that total bans have sparked. We had an opportunity to visit about this just very briefly during General File, and then some members, including my friend Senator DeKay and my friend, Senator Dungan, have touched upon some of these issues as well. So if you go and you look at the litigation filed in Florida by, again, colleagues, a right-of-center public interest law firm, the Institute for Justice, who many of us have worked with on a variety of issues, civil asset forfeiture, home equity theft, and I know that there's other issues that they-- regulatory reform and other issues that they've been a part of through Nebraska policy discussions. But this right-of-center think tank brought litigation based on a host of different legal theories, looking at preemption, looking at equal protection, looking at the interstate commerce clause and the dormant commerce clause in regards to the Florida ban, as is very similar to LB246 without AM882. So that was filed. Preliminary relief or remedy was rejected by the court, as I think Senator DeKay talked about generally in subsequent-- in previous rounds of debate. But the case still is pending and a decision on the merits has not, has not been made. And so that is something interesting and instructive that I think could help to promote a labeling ban versus-- a labeling option instead of a ban, which wouldn't spark the same sort of potential litigation as we see it working its way through the federal courts, in regards to the approach that our sister state of Florida took. Thank you, Mr. President.

ARCH: Senator Hunt would like to recognize some special guests, 26 fourth grade students from Brownell-Talbot Elementary in Omaha. They are located in the north balcony. Students, if you would rise and be welcomed by your Nebraska Legislature. Returning to the queue, Senator John Cavanaugh, you're recognized to speak and this is your third opportunity.

J. CAVANAUGH: Thank you, Mr. President. Well, I was remiss. I didn't mention the passing of the Pope myself. I know a few other folks did. And so, I was sitting here. I want to finish my thoughts on the other part. But the one thing that struck me in this conversation about animal husbandry is that the Pope's chosen name was Francis, named after Francis of Assisi, and who is famous for his relationship to animals. I'm sure other people have experienced this. Maybe some of

you even have the statue. But, you know, people have these garden statues. And in my district, when I'm out knocking doors and you see garden statues in people's yards, a number of people, at least in my district, will have a statue of Saint Francis with him holding a-- you know, a bird in the palm of his hand, because he was famous for his care and stewardship of animals and nature. So I just thought that was interesting, in the light of the conversation. But-- so the Pope will, of course, be missed. He was a Jesuit, as the other Senator Cavanaugh pointed out. And I have received a Jesuit education and am fond of the Jesuits myself, so it was, it was exciting when a Jesuit was made Pope. And-- but anyway, so what I was talking about before was the, you know-- if-- the logic of banning something because we don't like the manufacturing process. That logic extends to other things. And so I think it is dangerous and this is probably, as Senator Conrad was just pointing out, why right-leaning organizations, why Farm Bureau, and I think Cattlemen also-- I'd have to check, but at least Farm Bureau oppose this bill. Because they can see the writing on the wall that if you start banning things because you don't like how they're made, that can be extended to other things. And so I was talking a little bit about, you know, that there's USDA-approved processing facilities. And Senator Dungan talked about how this lab-grown meat is to be served-- or sent, sent to grocery stores has to be approved by the USDA, and, and it's approved as to safety and it's fit for human consumption. And then that-- we have things like Senator Brandt's bill from my first year, which was herd share, which would allow you to make a one-to-one relationship with someone and purchase meat from them that was not processed at a USDA facility. And you can do that because of the trust and the relationship there, and that, you know, we can take government out of it if there's-- if it's unnecessary to have them there, so it's, you know, decreasing this sort of government intervention into people's lives if they have the ability to do that one-to-one interaction. But so I was thinking about this-- you know, that logic of saying, I don't like the process, right. There's-- you can, of course, now go and buy grass-fed beef at the grocery store. It's a little bit more expensive. It's a little bit leaner. Right. And-- but you have that option. And some people do that for that-- maybe the leanness, or people do it for environmental reasons, or they do it for ethical reasons that maybe they think the animals are treated a little better. And so I was thinking, if you're logically saying-- extending this, saying we could ban things, there's always that risk that somebody not only-- not, not just going to outright ban animal husbandry as a, as a method of manufacture or production of beef, but that you might ban particular processes, including the

entire process we have where we have, you know, finishing lots or backgrounding lots-- you know, the things we were talking about on the brand bill a week or so ago, where we fatten the cows up, the cattle up quickly-- more quickly, with certain things like corn and other products to, you know, put on weight more quickly that some people might view as less natural, less ethical, less clean method of production. And so, you could see if you're going to ban one type of meat because you don't like the way it was produced, then you can extend that logic and start picking and choosing which other methods of manufacture you can ban. I would imagine folks here don't want to go the same route of chicken production that places like California have. But the same logic applies, that we could say, sure, you can still have chicken or eggs, but they have to be free range and they have so much space, which, you know, I think is not necessarily a bad idea, but I don't think, as a matter of statutory regulation, is something we should be engaging in. So that's-- I would caution people who want to just rush to ban something they don't like that when you apply a certain type of logic to get an idea done, that that logic then extends to other things. So I support AM882 and would--

ARCH: Time, Senator.

J. CAVANAUGH: --support LB246 with that amendment. Thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak and this is your third opportunity.

M. CAVANAUGH: Thank you, Mr. President. Thank you to Senator Ibach for giving me this article on South Carolina. I was reading over it. It's: Bill requiring lab-grown food to be clearly labeled advances in South Carolina. And the interesting thing in this is that it advanced unanimously, which, I think we're going to get to a vote shortly on Senator Conrad's AM882, which, for me personally, would probably get me on board with the underlying bill, if we were to shift from a total ban to requiring that it be, as it says in this article, conspicuously labeled that it is not-- what were the exact words-- sell-- products must be-- the product's origin must be conspicuous labeled on the front of the package. So the cell-cultivated food product cannot be represented as real beef, poultry, fish, shrimp, or any other animal protein in it may resemble. Let's see here. At some point, chickens walks and clucks and does the things that chickens do, said the freshman senator. Quite frankly, I have a problem with this product being labeled chicken. I would agree. I think it's important to have

the opportunity for expanding this business arena. But I do think that an outright ban is probably not the way to go. There's always going to be, you know, FDA approvals and protections and things like that coming in. And I worry about chemicals in foods and just synthetic foods to begin with. I think whole foods are much better for everyone, including the environment. But-- so I will be supporting AM882 and I think if that gets attached then I will probably be done talking about this bill, because that pretty much alleviates my biggest concern. But I find myself-- I was speaking to one of our colleagues about where they were at on the bill. And I said, I think I know why you're not supporting it, but-- and I was right. It was the same reason that I'm not. Just don't want to do an outright ban of an industry, especially an industry that's get-- just getting started. I would rather see where it goes in other states. I think this is a clear shot across the bow to this industry that Nebraska's not going to be a friendly state to, to them. And so, I think that's a good thing, like, if you're gonna try and come to Nebraska, be ready that we're gonna regulate you heavily, and we're going to want you to prove that this is safe and good for our economy before we let that happen. But I don't think we need to outright ban it from the get-go. I think, right now, requiring the labeling is, is probably a sufficient first step. And if they do start to look to buy property here and open businesses here, then we could start having those conversations. Before it even gets to the legislative point, we can have those conversations about what are their regulatory guidelines, what's happening at the federal level, do we need more regulations-- stringent regulations at the state level. So I guess I'd like to do the wait-and-see sort of approach, which I think AM882 allows us to do. So with that, I think I'm done talking on this. Thank you, Mr. President. I yield my time.

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

RAYBOULD: Thank you, Mr. President. I do stand in support of AM882, as it was voted out of the committee 8-0. And I, I do have to make a correction. I misspoke about DEBs. Nebraska is not the number one producer in the United States. And I also conflated DEB's such as soybeans. And I appreciate a constituent clarifying the issue that soybeans are not considered a dry edible bean. He labeled them as another kettle of fish. So I, I wanted to make sure that I didn't perpetuate a mistake and that that is a, a real-time correction. I do want to, however, talk about soy products. And I've heard my colleagues talk about that consumers want choices. The, the consumer want the-- want choices for a whole variety of reasons. And it's-- oftentimes, right now, when we're experiencing high inflation, it

becomes a price point for that family and their-- the family's budget. But other times, it's a, a belief system, you know. People feel very strongly, and I heard some other senators talk about it, free range chickens and free range eggs from those free range chickens, and they're willing to spend more money for that. But that's a decision that they, they make. And so, as a grocer, we know consumers want all kinds of choices. We were talking out in the break area about gluten-free. You know, gluten-free started out really tasting terrible. And through lots of experimentation and improvements and refinement in the products, et cetera, it actually now tastes pretty good. And so, the point is that this experimentation and lab work, I think, is always very good if it has a positive outcome. And I talked about investors. For them, a positive outcome is a return on their investment. But for consumers, it has to taste good. It has to fit within their family budget point. But consumers want choices. And they want more choices than ever before available to them year round, rather than just seasonal. So this is the type of marketplace that the United States has developed into, and I think it's important that with all these products coming out that the consumer wants, that they have to have clear labeling, and we've heard it from many people. For those that have allergies, that-- for those that want to go down a different lifestyle choice of eating certain products. You know, we see products out in the, the grocery store that are listed as GMO and non-GMO. And the reality is that there's only about nine products that are out there that are GMO. And I'm just going to read them because I think it's pretty interesting. These are genetically modified products. Corn is one of them, soybeans is one, canola is one, sugar beets, alfalfa, cotton, potatoes, papaya, and apples. That's it. But you know, it's become a marketing gimmick, for you see all the products from crackers to whatever on a, a grocery store shelf and it'll say non-GMO. Well, you know, there's probably nothing in that cracker ever that would be a, a GMO, because those aren't the product mix in the contents, but it's labeled as such. Labeling matters, and I think that is the right step. I just want to share Senator DeKay's comment, which I thought was really funny and I thought it was very appropriate since I was talking about investors, you know, investing in this lab research that is not proving to be very fruitful. And Senator Barry-- or Senator DeKay said, well you know if we pass this prohibition, that's just one more nail in the coffin. And you would be saving the investors a lot of money if we supported LB246, because they wouldn't be foolishly investing in a product that clearly doesn't look like it's ready for prime time anytime soon, any decade soon. So for these reasons, I do support AM882, by-- introduced by Senator Conrad, which is Senator

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Andersen's bill on labeling. I think that's the right step, and I'd like to see more, more evidence that the lab-cultured meat actually has a future. Thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator Conrad, you're recognized to close on AM882.

CONRAD: Thank you, Mr. President. Thank you, colleagues. This is fortuitous timing to follow my friend, Senator Raybould, from some of the comments that she just shared with us, not only as a member of the committee, but sharing the feedback she's getting from constituents and, of course, sharing her perspective as a, a grocer and kind of how these issues play out in regards to consumers, from her experiences. But I think that-- one thing that I did want to lift up and that she started to talk about, as well, was just this idea of economic freedom and free market capitalism and entrepreneurship and innovation, investment and those kinds of issues that we really should be focused on and should be lifting up versus economic protectionism, which, of course, sparks a, a host of legal policy and practical concerns. And, and I, I do fear that those are present in the underlying bill, which has a total van-- ban on cultivated meat products. And let's be clear. While some of these industries are really at the beginning stages of their development, it doesn't appear from the research I've been able to glean that-- as of today, that there is a scalable product that is widely available to consumers, for a host of different reasons, cost, innovation, et cetera. But we do know that these products are regulated under federal law. They have approval from the FDA and the USDA. The record in Nebraska on this issue is scant at best, in regards to any potential negative health concerns that would precipitate a total ban. And in addition to some of the issues that our leading ag voices have brought to the table-- and again, just testifying almost-- a few months ago, I just looked at a press release from November 2024, wherein the Nebraska Farm Bureau talked about how they testified in support of rules and regs the Nebraska Department of Ag had put out in relation to labeling, which are currently pending. And that was just a few weeks before an announcement of a total ban, so it's a very confusing policy progression from the Pille administration in that regard. But also, another reason which I think needs to be trumpeted as to why our leading ag voices are supporting a labeling approach versus a ban, in addition to looking at unintended consequences or supporting innovation or entrepreneurship or consumer choice, but Nebraska ag groups also know that they and their members and their producers and farmers and ranchers across Nebraska have a superior product. They're not afraid to compete in the marketplace

when it comes to access, when it comes to taste, when it comes to price, when it comes to a host of other issues that consumers are discerning and thinking about when they decide what to purchase with their grocery dollar. Nebraska ag groups are absolutely right that we have superior products that are unafraid of competition in the free market. And Nebraskan consumers are savvy enough to figure out what is right for them and their family without any sort of government overreach into that decision, particularly when there is not a record in regards to negative health impacts and the majority of our sister states, including leading ag states like Nebraska have looked at this and have taken a labeling perspective to support economic freedom and to empower consumers. Colleagues, I urge your favorable support of AM882 to do just that. Thank you, Mr. President.

ARCH: Colleagues, the question before the body is the adoption of AM882. All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays to place the house under call.

ARCH: 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 under call. Senators McKeon, Hardin, Bostar, Riepe, von Gillern, please return to the Chamber. The house is under call. Senators McKeon, Bostar, Riepe, von Gillern, please return to the Chamber. The house is under call. Senators Bostar and Riepe, please return to the Chamber. The house is under call. Senator Dungan, Senator Bostar is not in the Chamber. Would you like to wait or proceed? Senator Bostar, please return to the Chamber. The house is under call. All unexcused members are now present. There's been a request for a roll call vote in regular order. Mr. Clerk, please call the roll.

CLERK: Senator Andersen not voting. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard not voting. Senator Bosn voting no. Senator Bostar not voting. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. 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. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca. Senator Hallstrom voting no.

Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes not voting. Senator Hunt voting yes. Senator Ibach not voting. Senator Jacobson voting no. Senator Juarez. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski not voting. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Prokop not voting. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting yes. Senator Sanders. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Senator Machaela Cavanaugh not voting. The vote is 12 ayes, 24 nays, Mr. President, on adoption of the amendment.

ARCH: AM882 is not adopted. Seeing no one in the queue-- yeah. Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB246 be advanced to E&R for engrossing.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. Motion-- LB8-- LB246 is advanced. Senator Cavanaugh.

M. CAVANAUGH: If I want to reconsider my vote, can I reconsider my vote if it's moved from Select, on that amendment?

ARCH: Mr. Clerk, please respond.

CLERK: Senator, without the, the reconsideration in front of us at this time, we couldn't take it up on Select File, as you know. The question was more going forward. On Final Reading, you could file a reconsider. It would be as if you offered that amendment on Final Reading. We'd have to return it to Select File for consideration. But I, I think the amendment itself is still within reconsideration at this point.

M. CAVANAUGH: Just a follow-up, because I know that I got in the queue after he said, Mr. Ballard-- Senator Ballard, for a motion. But wasn't Senator Ballard's motion a debatable motion?

ARCH: Senator Cavanaugh, at the point that, that I announced there's no one in the queue and, and it was at that point then, that we moved on to the, to the motion by Senator Ballard.

M. CAVANAUGH: Right.

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ARCH: So, so at that point, that Senator Ballard's motion itself, we were be-- we were beyond that point of debatable.

M. CAVANAUGH: His mo-- but the motion hadn't been made. Is-- the motion is not a debatable motion? That's my question.

ARCH: Mr. Clerk, please respond.

CLERK: Senator, because there's no closing on Final Reading, Senator Ballard was recognized to make the motion. The motion was in front of us to move the bill. We had already started the process of moving that bill and taking that vote and-- with people in the queue. It is a debatable motion. You are correct. But we had already started that process of moving that bill, with people having then been in the queue. So that-- that's my understanding as to why the bill was moving on Select File.

M. CAVANAUGH: O-- OK. Well, thank you for answering my questions.

ARCH: I raise the call. Mr. Clerk, for items.

CLERK: Mr. President, a motion to be printed from Senator Hansen to LB677, as well as Senator Hardin, amendment to be printed to LB332. New A bill, A bill LB382A, from Senator Meyer-- excuse me, LB382A. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying of the provisions of LB382. That will be placed on General File. Mr. President, LB317, first of all, Senator, I have E&R amendments.

ARCH: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB317 be adopted.

ARCH: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. ER36 is adopted.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until May 5, with MO183.

ARCH: Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you. And just for a procedural, the queue wasn't cleared between the last bill and this bill. I mean, it's me, but if we want to clear the queue for this bill, it wasn't clear when this

bill was read across, I don't think. So, there we go. I'll get back in the queue, anyways. OK. So what was happening on that last bill, I just want to clarify, and I appreciate both the chair-- or the President and the Clerk for answering my questions. I, I was just a little unclear. I know timeline and all of that. Our timing is everything in this job. So, I had changed my vote to present, not voting so that I had the option to reconsider the vote. And then I didn't realize that we were like, moving right from there to advance the bill. And it's at Select File, so it's a voice vote in advancing. So, the reason I did the recon-- gave myself that option is that I saw the votes on the board, and I realized that we still had an opportunity to have 25 people decide to vote for that amendment. And so I didn't want to just give up that opportunity without, you know, having some further discussion. It's my understanding that the amendment that Senator Conrad brought forward is actually a bill that was brought by Senator Andersen. And so, I wanted us to have-- collectively have the opportunity to discuss that amendment again. And so, I will discuss it with Senator DeKay and others and I could file, I could file basically, a motion today to have it brought back from Final to Select to reconsider that amendment one more time. And so that's what the discussion was back and forth at the front with me and Senator-- or Speaker Arch and the Clerk. So I know we're not on that bill right now, but I want, while it was fresh in everybody's minds, and I have 10 minutes. I thought I would take the time to discuss it. So this bill that we're on right now, it's a little complicated, let's say. And I-- I'm, I'm actually very torn on where I'm at on this bill, because LB317 merges two state agencies. And while I am not inherently opposed to it, I don't feel like there has been enough information and looking into it to determine if this is a good idea or not. It, it-- at this time, feels a bit premature to me. There's not a strategic plan. There has been an org chart that was passed out at the end of last week, but that org chart was just recently put out. I don't think it's even publicly available. So all of the people who came and testified in opposition, I don't believe have seen the org chart, so we don't yet know what, what those stakeholders think about it. And there's just-- there's still a lot of questions, at least for me, and I don't, I don't want to rush this process because it is a big undertaking-- I'm going to grab my laptop. Sorry. It is a big undertaking to merge two agencies, and it's not just changing the name. And what was told to all of us was that this was for efficiencies, but no efficiencies have been identified. And so it's a little difficult to say, oh, yeah, this is-- this makes sense. Let's do it, because there's efficiencies and it's going to save the state

money, and smaller government, et cetera, et, cetera, et cetera. But without those being identified, I'm not really sure or clear on how we can take up those, or know that this is a good idea. So I did go through the process of requesting some records from the two agencies, ND-- wait, how do I say them? OK, NDEE and NR-- NDNR. OK-- and-- about the merger. Because when we had the debate on General File, I did find it a little bit concerning how little information we had on the thinking behind it, the strategy behind it, pretty much why we're doing it or what's going on with it. So I-- yeah. So anyways, my office requested these records. And Ethan in my office did a great job of going through all the records and compiling, you know, questions. And nothing, I would say, stands out as like a huge red flag, but more just have we done our due diligence, and, and maybe, maybe we should put this off for a few months and let the state agencies and the administration actually create a plan. So one of the things is Chief Water Officer. The introduced legislation removes the professional engineer requirement for the director position. Now, there might be an amendment that changes this, but I know that that was a big concern to a lot of people. Then there's a federal and state law divide. The NRDs are concerned with the merger as the depart-- DEE is driven by federal law, while DNR is state law. Let's see, there's page-- pull that up and see where exactly that's state-- stated. This was from-- oh, sorry-- page-- yikes-- page 532. There's 9-- over 900 pages. Thank you to Ethan for reading all of this, because that is a lot to read. This is what happens when you make records requests. Sorry, it's slowly opening up. I wasn't planning on being on this just yet, because I thought we were going to be on the other one for a little bit longer, but that's OK. So bear with me. OK, page 532. OK, so merger bill updates. In describing the merger to the group, it says: combines two small agencies into one; told staff, numbers could be important to show that we are not merging into a dysfunctional behemoth like DHHS, a concern we've heard; potential staff savings by saying that if no combined agency has two HR staff, maybe we only need one now. So this is from January. I think this might have been after the bill was introduced. I think I hit the wrong page, though, for the federal. The stakeholder opposition, there's significant stakeholder opposition from the hearing. The NARD and the NRDs opposed the merger. The NARD had a vote, and it was 88-22 to oppose. There was some text messages between Isabella Peterson, the NDNR attorney, and the director Bradley-- Interim Director Bradley. So I'm not sure if the stakeholder opposition has been addressed, because I've heard from quite a few individuals that they're still in opposition. So I am not sure that that's been addressed yet or if there's an intention to address it. I

did share this with some other-- two NRD board members in the state in different areas, to get their take on it. I also shared this with our former colleague, Tim Gragert, to get his take on it, and some other stakeholders in the industry. And the response was varying, which is why I'm still hesitant on this, because there's not really a clear vision. And the only thing that seems to be clear is that this is for cost savings, but we haven't really identified how this is going to result in cost savings. I think there is an assumption that there will be a decrease in FTEs, or those are full-time employees, FTEs, employment positions, but none have been identified. There's a concern that has been sort of riddled throughout the requests that those savings might be realized by eliminating open positions in the merger, saying, oh, if you have a position that's classified as, as X and they have a position classified as X, then you don't need both of them. So we'll eliminate the open one, but the open might be for something different than actually what just the baseline position is. There was also a question-- differences in qualification requirements for directors. The DNR director must be a professional engineer and have five years of irrigation work. Numerous attempts to change this provision have failed in the past, due to key water user stakeholders. That email from October raises questions about appointment and confirmation, rulemaking authority, et cetera. Page 468, so I'm going to go to that. I see I'm almost out of time, so I will probably get in the queue to talk about this more. But-- because-- like I said, almost 900 pages of records, there's quite a bit to go through and just want to make sure that we're not rushing into something that's going to cost us more in the future to change and undo. So.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

ARCH: Senator Dorn would like to recognize some special guests. They are 36 fourth grade students from Southern Elementary in Blue Springs. They are located in the north balcony. Students, if you would rise and be welcomed by your Nebraska Legislature. Returning to the queue, Senator Storer, you're recognized to speak.

STORER: Thank you, Mr. President. Senator Brandt, would you yield to a question?

ARCH: Senator Brandt, will you yield?

BRANDT: Yes, I will.

STORER: Thank you, Senator Brandt. I did have some, some concerns about the language removing, I believe it's 81-1578 through 81-15,116, removing the language that sets regulations on low-level radioactive waste disposal. Can you just explain why that's being removed out of the bill?

BRANDT: Sure. So a little history, when Kay Orr was governor, Nebraska entered into a compact with four other states for a low-level nuclear waste dump. They voted 4-1 to locate the dump in Nebraska. I remember this. It kinda tore the state apart. When Senator-- Senator-- Governor Nelson became governor, he withdrew Nebraska from that compact. In doing so, Nebraska got sued by the other states and ended up paying them \$145 million to walk away from that compact. Since that time, that language has lied dormant in, in statute, and there is actually more protection by removing this language from existing statute than leaving it in there. This was in consultation with the attorney for NDEE that is out there, so that's a little background on, on what's there. And they really feel if we leave some of this language in here and someday, somebody wanted to come in and put a compact-- or compact-- a low-level nuclear waste dump in Nebraska, if the language was still in there, it would allow them. Without the language in the bill, they've got nothing to base it on.

STORER: OK. Thank you, Senator Brandt. So I'm just gonna repeat what I heard you say, so I'm sure I understand it well. Obviously, this is something ver-- of, of interest, particularly to my district, Boyd County. I, I serve Boyd County, and that is where the target of this once-proposed low-level nuclear waste dump was going to be. So if I understand correctly, we are no longer in the compact. So, having any language in statute actually sort of provides a highway for someone to come in and apply to place a nuclear waste dump-- low-level nuclear waste dump in Nebraska. If we remove that from the statute, then there is no provision for that application process. Is that what I understand?

BRANDT: That's my understanding from what the attorney told me this morning, yes.

STORER: So, removing it is helping protect Nebraska. Ultimately, we're-- this is a good thing. We're helping protect Nebraska from any future prospect of someone coming in, wanting to place a low-level nuclear waste dump here.

BRANDT: We do not want a low-level nuclear waste dump here.

STORER: All right. Thank you. I yield the rest of my time.

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

J. CAVANAUGH: Thank you, Mr. President. Good-- still morning, colleagues. I think I support the bracket motion, although May 5 is-- I'm not sure why May 5. 5-5-25. But-- so the thing I wanted to talk about was something I talked about a little bit on General File. I appreciate the conversation about the nuclear waste disposal in Nebraska. I think that's an interesting topic. And I talked about that a little in General File. And I think I have your page here. Sorry. This is off-the-mic chatter. But anyway, one of the things I talked about on General File, as well, was the Perkins County Canal. And that came up, in part, because of a conversation between Senator Brandt and Senator DeBoer about the amendment we adopted on General File. And one of reasons for the amendment was to clarify that the new department, which I believe we're calling DWEE, Department of Water, Energy, and Environment-- I think there were other maybe better names we could have done if we just reordered the letters, but we'll go with, with that, Department of Ener-- Water, Energy, and Environment-- but ensuring that the Department of Water, Energy, and Environment is the successor agency to the Department of Natural Resources for purposes of building the Perkins County Canal. And so, I've talked about the Perkin's Canal quite a bit in the last several years, since this-- you know, it just sort of came-- from my perspective, came out of nowhere when senator-- or then-Governor Ricketts proposed it in the first part of 2022, I think it was. So it was his last year, my second year in the Legislature, and it came in front of the Natural Resources Committee and so, you know, I went and read the compact. And so what the Perkins Canal Compact/the South Platte River Compact says is that Nebraska has a right to 120 cfs of water in the South Platte River, which is the part of the Platte River that comes from Colorado into Nebraska. The north-- you know, they meet at North Platte, the North Platte and the South Platte meet. And the North Platte River comes in from Wyoming, although I think it originally starts in Colorado, as well. But we're entitled, under that compact, to 120 cfs of water during the summer months, which are April 1-October 15. So we're in that 120 cfs territory now, and we're entitled to that through the South Platte River. We have an additional right to 500 cfs through the-- October 15-April 1, if we build a canal. So that's what the compact provides. It, one, ensures, under Colorado law, that we have a right to 120 cfs, meaning that we can call out junior water rights and say, if there's not 120 cfs in the canal, we can call out anybody whose water right is newer than ours and get them to stop using or

consuming their water so that we get our 120 cfs. Obviously, there are times where even doing that is not gonna get you any water and the river runs dry. Right? So the 500 cfs means, same thing. We have a, a right, at this time, established under the compact, to that 500 cfs during the October 15-April 1 time, but only if we build the canal. So we can call out those junior water rights if we built the canal. So why is this relevant in this conversation? Because Senator Brandt and Senator DeBoer brought up the fact that we, in the interest of staying to the letter of the compact, we needed to make sure we had established as the successor agency to the Department of Natural Resources, for purposes of perfecting that right. And the reason I'm talking about it now, is I have previously objected and raised concerns about the fact that we appropriated additional funds for a canal that is 1,000 cfs, so twice as much water-carrying capacity as the original canal. I'm going to run out of time, so I'll push my light and talk on this a little bit more. But the point is we are currently appropriated funds and are planning to build a canal that is not within the letter of the compact. And so, if our concern is that we need to follow the letter of the compact to achieve our right, to perfect our right, that we should make sure that we are planning a canal that is in line with the letter of the compact. So I proposed it when we made the budgetary change and appropriated the money for it three years ago. So I, I would suggest that we amend our appropriation to be in line with that. The advantage is-- I'm going to run out of time real quick here-- it's about a \$175 million difference in cost. So as we're looking at budgetary shortfalls, there's \$175 million that we--

ARCH: Time, Senator.

J. CAVANAUGH: --should not be spending. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. A couple of cleanup things. Senator Machaela Cavanaugh was asking about the term professional engineer. That was restored by the amendment adopted on general file. And then she referenced the organizational chart, and I hope everybody kept this chart. This chart shows what the current manning is in these departments, and when you flip it over, it has proposed manning. We handed this out at the end of the, end of the day on Thursday, and I think most people still have it on their desk. When you look at the proposed merge organization-- and what we forgot to do was put on here the pink boxes are the overlap boxes. So when they merge the

organization, human resources, fiscal services, IT, records management, and PIO are agen-- are positions inside these agencies that now would have an overlap. And through attrition, those probably will be the jobs that will be targeted to look at. And then, on the chief-- on the water side, water monitoring, groundwater, and well standards, and water planning are also agencies that have overlap. So, outside of that, I'd be happy to answer any questions anybody's got. We've got an amendment coming up that, that fixes a small-- a couple of small things here. We did get a copy of the bill. The bill is 509 pages. It's about a ream and a half of paper. Thank you.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. I don't think, I'm not sure what Senator Cavanaugh's intentions are in regards to the bracket motion, if we will move to a vote on that or take that up. But I do know that there are substantive amendments pending on the underlying legislation. I also want to just reaffirm for the record that I've been opposed to this bill as a member of the Natural Resources Committee. I was present at the hearing. If you look at the committee statement, and I highlighted and flagged some of these issues for members and for the record on General File. There were really no live proponents of the measure, outside of the governor and some state employees. When you look at the significant breadth and diversity of opponents to the measure, from NRDs, to environmental groups, to everyday citizens, to water experts, there really was a, a very consistent opposition to this across the state and across the political spectrum. This merger, as it's been kind of colloquially discussed, is meant to be an effort to, I guess, run government like a business or to save money. But again, I would direct members' attention to the fiscal note. Initially, the fiscal note indicated that not only would the merger save no money, the merger would not save money, it would cost money. Now that fiscal note has been updated, as is part of our process when new information becomes available, and it seems that the internal resources can be utilized to pick up and absorb some of those costs that were generally associated with printing and rebranding. And colleagues, I would contend to you that rather than calling this a merger bill, it's actually probably more accurate to call this a rebranding bill, because there's no cost savings indicated in terms of eliminating duplicative positions or functions. There's no clarity in terms how exactly the important work of these two separate and distinct agencies are going to provide synergies or efficiencies, even if those are laudable goals and things that all proponents are hoping to accomplish. There-- there's just no

clarity in that regard. The committee statement makes clear, the fiscal note makes clear that this is really a performative, at best, rebranding of two executive agencies instead of an actual merger which would identify administrative and fiscal efficiencies to ensure better service for stakeholders and taxpayers. Again, the key stakeholders that interact and have important-- critically important business before these agencies, note that past agency mergers should provide a worded note of caution to the Legislature before we rush forward. Additionally, there-- there's just no clarity in terms of how the Department of Energy-- which is primarily more regulatory in nature and interfaces more so with federal laws-- is really going to work in terms of the important separate and distinct functions that Natural Resources is focused on, in relation to water quality and quantity and a host of other issues. So I know that we'll have a chance to tease these issues out some more. I do think I have, perhaps, a different point of view, based on some of the initial dialogue with my friend, Senator Brandt. And I heard his important Q&A with my friend, Senator Storer, about what the repeal means on the underlying radioactive waste statutory framework. And so, I want to make sure that since it's caused such a great deal of alarm amongst many stakeholders, that we do have a clear record on that and tease that issue out a little bit more--

ARCH: Time, Senator.

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

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

DeBOER: Thank you, Mr. President. So I have-- I've been trying to kind of follow along with this. It's not in my committee, but obviously it's an important bill. And I have a number of questions about the bill, some of which were produced for me over the weekend because I got quite a number of constituent emails about this bill, and they were all against the bill. And they raised a number of issues for me, so I wonder if Senator Brandt would, would answer some questions.

ARCH: Senator Brandt, will you yield?

BRANDT: Yes, I will.

DeBOER: So Senator Brandt, can you give me an overarching picture? I-- I've heard it from you, I know, but just-- I'm losing the thread of

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the narrative here. Why are we doing this if it doesn't save money and it doesn't-- why, why are we doing this?

BRANDT: We are not saving money on the outset. As you look at this organizational chart, I don't--do you have a copy of this in front of you--

DeBOER: Yeah.

BRANDT: --or somewhere? And that lists all the current positions on one side. That's totally blue. And when you flip it over, it has eight pink boxes on the other side. Those pink boxes are overlapping duties. And as those people are attritioned out-- let's say, for example, the first one there, are human resources. And I don't know how many are in human resources, but let's assume there's one in each agency. As attrition takes one of those jobs away, we can probably do it with one. These are the ones that have been targeted as possible savings.

DeBOER: So--

BRANDT: But initial-- initially, no, they aren't going to go in with guns blazing and, and tell people they're out of a job.

DeBOER: So there's, there's potential for maybe, in the future, some savings, if it turns out that we only need one. OK. So, some folks brought up issues for me. There were concerns about nuclear, nuclear waste. Is that going to be still handled? It seemed like that was maybe going to be lost with the combination of these two. That's what the, the emails were saying.

BRANDT: We are removing obsolete language from the low-level nuclear waste dump. That was in the '90s, and we were-- we got out of that and were sued, and we paid \$145 million to the other four states that were in that compact and we walked away. We're removing that language. In talking to the attorneys on the other side of the glass this morning, they seemed to think that if there were a new issue with this to come up, it would probably go to Health and Human Services.

DeBOER: Rather than to this--

BRANDT: Rather than to--

DeBOER: Frankencommittee, the, the--

BRANDT: ND-- DWEE, yes.

DeBOER: OK. So another concern that they were saying to me was that the purposes of the two departments that you're combining are sometimes slightly different, to sort of police each other. And now if we combine them into one, do we lose the ability to sort hold each other in check?

BRANDT: I don't think so. The purpose of NDEE today is a regulatory function. They go out and they enforce water standards, often federal water standards on livestock operations, on city sewage lagoons, city wells, those kind of things. Whereas the Department of Natural Resources today deals with surface water, and they interact quite a bit with our NRDs out there that deal with groundwater. Those functions are all going to keep going. But when you look at this chart, there are some natural tendencies-- both agencies have water monitoring, water planning, and I'm-- my eyesight's not so good-- groundwater and well standards. And so, these are, these are areas where individuals could probably work across the lines that we have drawn today, and probably gain some efficiencies there.

DeBOER: Couldn't, couldn't they already work across the lines?

BRANDT: Sure.

DeBOER: OK. So the concern specifically that my constituents brought up, several of them, was that they were concerned that one was supposed to be sort of watching over the other. So I don't know which was which, but that they were supposed to be preventing the other from, I don't know, missing something or something like that. Is that a concern that you've heard expressed before?

BRANDT: No. I think a lot of the concern in the hearing, in particular, were the NRDs have a very good working relationship with DNR today. They kind of feel it's an extension of what they do for the state of Nebraska. And they, they would--

ARCH: Time, Senator. Senator DeBoer would like to recognize some special guests. They are 13 members of Matriarchs for Change. They are located in the north balcony. Please rise and be recognized by your Nebraska Legislature. Returning to the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. I gotta say, Matriarchs for Change is a very cool name. I like that. That caught me off guard. Colleagues, I do rise today, I guess, un-- unsure about the motion to

bracket, but I am hesitant about LB317. And I, I think a lot of the conversation that's happened here sort of broadcasts a number of the concerns that I have and certainly, a number of the concerns that have been raised with me. I didn't really engage with this bill on General File, and that was not because I wasn't interested, but I was, I was genuinely trying to listen to the debate, as it pertains to a number things, like cost savings, general efficiency in government, sort of the actual proposed organization, which I know Senator Brandt has provided us this chart, which at his urging, I did save. I did not throw this away. And so I, I think that I had a lot of questions that, to this point, have not been, I guess, answered in such a way that I feel very comfortable moving forward. I didn't receive a lot of outreach about this bill when it was first up. But over the long weekend, the holiday weekend, I received a number of texts, calls, and emails, both to my personal number, as well as my work email about this. And I think that a lot of the concerns that were brought up can be summarized in a couple of different points, the first of which is a concern that this doesn't actually have the cost savings. And I think Senator Brandt just spoke about this with Senator DeBoer. We all agree that we should be spending money efficiently. And I don't think that anybody in this body, whether they're a Democrat or a Republican or nonpartisan thinks that it's good to waste taxpayer dollars. Certainly, we all disagree from time to time about the best use of taxpayer dollars, but I don't think there's anybody that I've spoken to in here, on either side of the proverbial aisle, who wants to increase government red tape or increase government bloat. I know we've passed bills in this Legislature that have, in a bipartisan, nonpartisan manner, gotten rid of a lot of the hoops to jump through. And so I, I think we're all committed to the idea of ensuring that there's not an overly large governmental entity with duplicate sort of jobs and duplicate goals. That being said, I do think that we need to have certain things in place in order to ensure certain protections. And whether that is environmental protections or ensuring that we are using taxpayer dollars efficiently when it comes to energy, those are all, I think, meritorious goals for various governmental entities. And if we actually were saving a bunch of money from the taxpayers in merging these agencies while ensuring that the goals were still being met, I think this would be a different story. But as was brought up on General File and as I think has been highlighted here today, the fiscal note is indicative of the fact that there's not really any cost savings moving forward. And I think the, the rub that you run into with this, is in order for those cost savings to be effectuated, I think that you'd have to be talking about terminating jobs. But in

speaking with proponents of this bill and Senator Brandt, my understanding is there's not individuals that would be fired as a result of this merging. And so to me, those two concepts are at odds with one another, that you, you, you cannot, I guess, say on one hand we're going to merge these agencies and get rid of the duplicate goals and sort of the redundant jobs that are highlighted in this org chart, and say that nobody's going to lose their position. So certainly, I mean, you could move people around. I guess that you could move people from one part of-- one box of this org chart to another, but I don't think that that results in really any taxpayer savings. And so, that was, I think, one of the emails that I got, or a number of the e-mails I got were people asking, is this actually gonna save us any money? In addition to that, and Senator DeBoer, I think highlighted this as well, but one of concerns that was raised to me is this sort of fox guarding the hen house analogy. Are we putting together two organizations that while generally work, I think, hand in hand, do have some oversight over one another, or at least maybe have goals that are not always in line with one another. And if you merge two agencies that are seeking to row in different directions, I think it's very easy then, to run into problems in the agencies achieving what their desired outcome is. And so, I, I do think that those are my broad concerns. I think that this maybe looks good on paper to some people, but in practice does not achieve the goal that they want to achieve, and that's concerning to me. I, I do have also, some concerns about the toxic waste programs that have been brought up, as well. I think Senator Conrad has an amendment about that, so we can obviously talk about that as that gets up--

ARCH: Time, Senator.

DUNGAN: --on the board. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. OK. So where was I? I was talking about the Perkins County Canal, and I think this is an opportunity for us to correct a mistake we made in the budget a few years ago. So the canal, again, we have this compact with Colorado that is-- you can actually look it up on the, the website. And it's just called the Perkin's Canal Compact-- or actually, I think it's called the South Platte-- here we go, Compact With Colorado, South Platte River. So it's you know, under where the Constitution would be on our website, so you can go look at it. And this is a compact that is from April 27, 1923, so 100 and-- what do we got-- 101 years ago

and 360-some days-- 60 days or so. So almost 102 years ago, we signed this compact. But the compact lays out a whole bunch of things, including granting the state of Nebraska the power of eminent domain in the state of Colorado to take land to build a canal. So if you've been following the story, that's where we are at currently, as we've decided now, finally, about 100 years later, to start building this canal, and we are in the process of attempting to purchase some land. And there is-- Colorado is pushing back and is advising the landowners not to sell and to force the state of Nebraska to exercise that eminent domain. And so, the concern, I think, is that if we get into litigation and we are attempting to take land to build a canal that is 1,000 cfs, that that would be something that these landowners would raise as an objection to us taking their land, because the grant of right to Nebraska is for the express purpose to build a 500 cfs canal. So a 1,000 cfs canal is twice as big. Obviously, some of that is probably going to be deeper, digging deeper, but if it is even a little bit wider, I would think you would have an argument that Nebraska does not have the authority to take that much land. And so, when we were asked for the budget for the canal, we were asked for something like \$500 million. I don't remember off the top of my head, but I'll figure-- I'll find it for us. \$500 million to build a 500 cfs canal. And then ultimately, the budget came out and it was for 1,000 cfs canal for something like \$675 million. And when we took up the budget that year, I moved to strike down the amount from that 675 to the original \$500 million in-- with this-- basically this same argument. So the reason I'm talking about it now is, again, we've heard that we are concerned about following the letter of the compact. And so, I'm proposing that we take this opportunity to claw back that additional \$175 million, and then on paper, of course, and in reality, build a 500 cfs canal instead of a 1,000 cfs canal, and have the extra \$175 million that we can put into our coffers this year that maybe will solve some of our budget shortfalls. I don't know how short our budgetary committee is at this point. The Appropriations Committee, I know, is deliberating on the budget. I have heard that we are currently, some distance apart. We just passed Senator Ballard's bill, which was in the interest of getting the budget \$70 million dollars, I think, closer. That was one of the reasons that that was even looked at, was to get-- cut to-- cut the budget shortfall. Senator von Gillern's bill, LB650, that we took up last week or the week before, to claw back some of those tax credits that was, I think, again, another about \$70 million. So we're looking for pots of money in different places. I think this is a ripe spot for looking and, by the way, it puts us more in line with the letter of the compact. So I'm

going to run out of time, but I can look up these specific numbers and talk on it some more. I know Senator Raybould had a bill this year that was to claw back some of the, the canal money. I don't remember specifically where all the money went, but it's the same idea is that we shouldn't spend more money than we need to spend, and we certainly shouldn't spend more money-- have more money tied up for a canal that we are not legally allowed to build. And I think that's the real concern. We should, we should take back the \$175 million. We should change the proposal to a 500 cfs canal. I keep saying cfs, which is cubic feet per second, which is the measure of the flow river-- the flow of the river. So we should, we should make the modest change to comply with the, the compact and have the benefit of saving ourselves \$175 million, which then helps us in this whole budgetary concern. I bet you if we in-- injected \$175 million onto the green sheet, we would be a lot more comfortable.

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And good morning, colleagues. I think this is my first time on the mic today, so I have not greeted everyone since the holiday break-- and folks that are watching and in the Rotunda. I just wanted to start out by echoing Senator John Cavanaugh, Cavanaugh's comments. And I brought this up maybe last week, around the proposal and bills that Senator Raybould brought in front of the Appropriations Committee. In the conversation and, and what we are wrestling with as the budget that we are bringing to the floor is getting finalized, is that we have choices, and what do we, as a body, prioritize, what is important to us, and what does that look like. And within those choices, with Senator Raybould's bill, which I hope, again, every time I talk about it, I do it justice, it really looked at reprioritizing the water projects. It didn't say that the canal wasn't important or that there was not a commitment to it, but that we could prioritize building the reservoir and use some of those dollars to help address some of the deficit. And so, again, that is a conversation that has been brought within the Appropriations Committee. That does not currently have any traction, but I hope that colleagues would continue to engage in, as we bring the budget to the floor. And maybe Senator Raybould will get on the mic a little bit later and talk a little about what she presented to us, because it was so fabulous. And she is brilliant in all of the things she knows about

the canal, and the Republican River, too, before in that process. I also wanted to name, within this conversation as I've been listening, I don't know how I feel about the bracket motion. I understand the intention is like, give some time so that this could be worked out, which I would absolutely support a, a longer period of time for discussion around this bill. As we-- again, the Appropriations Committee, we is-- that's what I'm mentioning. We talked about-- with the interim director, around what are the savings or the reason behind this bill, and a lot of the concern that has been brought up now was a concern during that hearing. The interim director was not able to draw our attention to or provide any resources or documents of why the merger, and the actual cost savings that all of the positions are currently going to be retained and just restructured. So it's really like a restructuring, with the original intent, as I understood it, was around savings and efficiency, but that was not articulated or communicated at that time to the Appropriations Committee. There were still a lot of unknowns. And so I think just from a effectiveness standpoint and leadership, if you are going to merge departments or even restructure departments, there at least should be a plan, a plan of why this makes sense. We've done, you know, a feasibility analysis. Even as Senator Brandt mentioned, just around the potential savings with HR. You usually have an HR person for every number of staff to be able to manage the people processes and components. And so while there may be cost savings for that, was there an analysis done that based on the number of jobs that are still being retained that you actually can eliminate an HR position or will you still need it because, again, you are restructuring versus eliminating and, and merging together. And so I think, you know, because of all of those unknowns and the lack of clarity and plan up front, it's really hard to make a decision and create a policy that would then implement this type of change. I think it is not as responsible of an approach that we could use as a body in support of some of our divisions, around how they think about their work and how they execute their work. And so, again, from the Appropriations side, we've had conversations around the effectiveness, the efficiencies, what do these departments do, it was very unclear and there was not that information as clearly communicated and I think that there is still some of that where we are now with LB317 and the intention where the merger is and around some of those studies from previous-- that have not been done previously. And so with that, at this time, I would hope that we could think about the process and implementation, but don't have where I clearly stand on supporting the motion to bracket or LB317. Thank you. Mr. President.

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

CONRAD: Thank you, Mr. President. I have one piece in regards to this merger issue that I do want to clarify for the record, and I've had a chance to flag this for the chair of the committee, my friend Senator Brandt. But at the committee hearing on the merger or rebrand bill, LB317, I actually want-- did and want to continue to commend Governor Pillen for his really candid discussion and recognition of the fact that we have ongoing issues in terms of nitrate problems in regards to our water, and what that means for public health. And as part of the governor's conversation in opening on LB317 during the committee-level discussion, he also announced the formulation and establishment of a Water Quality and Quantity Task Force that would help to guide the policy of this newly rebranded or merged agency with a host of important stakeholders. So I do want to make sure, because there are many key stakeholders that remain in opposition of this merger or rebrand. There's a significant amount of questions, from across the state and across the political spectrum, as to what this merger actually means for policy direction and policy promulgation that perhaps we could provide, at least on the record, a little bit of certainty and clarity as to the application of our existing tools to effectuate citizen engagement, our public records law, and our open meetings law. So if Senator Brandt would yield to a question, please.

ARCH: Senator Brandt, will you yield?

BRANDT: Yes, I will.

CONRAD: Thank you, Senator. Senator, would it be your understanding that the agency, of course, as rebranded or merged would remain subject to the Open Meetings Act?

BRANDT: That would be my understanding.

CONRAD: And would that same understanding, of course, correlate to the agency being subject to our existing public records statutes?

BRANDT: I, I would assume so.

CONRAD: Very good. I do, too, but just want to clarify for the record. And then you'll remember from our committee discussion that the governor announced the creation of the Nebraska Water Quality and Quantity Task Force as part of the process with the agency merger. Would it be your understanding that this new public body would also be subject to open meetings and public record statutes?

BRANDT: That would be my understanding.

CONRAD: Very good. Thank you so much Senator Brandt. I, I appreciate the dialogue on the record. My read of the existing statutes shows, I think, a similar understanding of the application for those critical tools of citizen engagement and overall government transparency, and I know how critically important issues of both water quality and quantity are to our state. And It's critically important that all citizens who have an interest in this issue have a right to know what policies are being discussed and promulgated and what actions our government is taking in our name and with our money, in regards to energy or other natural resources or other water issues. So I just wanted to clarify and reaffirm for the record. Of course, the existing agencies, the merged or rebranded agencies, and any related task force, committees, councils, subunits, commissions, bureaus, boards, agency branch, departments, would all-- attendant thereto would all be subject to our strong open meetings and public record statutes. Thank you, Mr. President.

ARCH: Senator John Cavanaugh, you're recognized to speak and this is your third opportunity.

J. CAVANAUGH: Thank you, Mr. President. Got to me a little bit quicker than we thought. I thought I wouldn't be up again before lunch. So I'm just gonna tell you, I haven't found the number yet because I got sidetracked doing on other stuff. But I think we're gonna be at lunch here in a minute and I'll look at it over lunch and see if I can get an amendment together that contemplates this proposal. But again, I, I do think that-- you know, I've talked a lot about this canal over the four years or so that it's been proposed. And I think there is good value in perfecting our right to water. I think there are less expensive ways to do it. I think that there-- there's talk about building a reservoir on the Nebraska side, an additional reservoir that provides extra value because of the recharge of the water table, by putting the water, basically-- you know, I'm not a physicist or a hydrologist or anything, but I've learned a little bit in this process about the phrase, return flow. That was one of the things I learned in this process, which is where, in the-- particularly in the sandy soil of western Nebraska, the water sits on top and then seeps into the ground, and then returns into the, the river through that process and recharges the water table and re-charges the river. So by storing water out there, you get good seepage into the ground. A good example is, I think it's-- is it in Sutton? By Gerald Gentleman, there's a storage cooling pond that then they use for some hydroelectric, and

it's kind of sandy and it seeps into the ground there. If you've had the opportunity to go on the tour for the canal, that's great-- that we can see all these things. So it's an interesting tour, but my, my just broader point is we have started this process of building this canal because we recognize that when water becomes scarce, we need to follow the letter of the compact to actually perfect our right, to assert our right against Colorado. And our right is not to a guaranteed amount of water, but to a amount of water positioned in time, meaning that any new water rights after the compact was signed we can call out or tell to stop using, if, at that period of time, our-- the water coming to us through the Julesburg Gage is below 120 in the summer months, between April 1 and October 15, or if it drops below 500 in the canal, once we build a canal, during that October 15-April 1 months. But to perfect that-- so we already have the right for the 120 and we have the ability to call out at that-- in that period of time. What we don't have is the ability to call out for the 500, and that's the reason to build the canal. So not all the water has to go through the canal, but when there is less than 500 cfs coming, that's why we have the canal. We can, of course, build a reservoir on our side, separate from the canal. But the point is, we believe, I think, rightfully, that we have to follow the letter to achieve that right and that's the objective, is to be able to call out that subsequent water rights. And so what I'm saying is, if we think that we have to follow the letter so specifically that the fact that we appropriated money to build a 1,000 cubic feet per second canal is contrary to the compact and would put us in a weaker position to claim our right to eminent domain, which would allow us to build the canal in the state of Colorado. So I think it is in our best interest to achieve our right to build the canal, to exercise eminent domain, if we amend that previous appropriation to be a 500 cubic feet per second canal, and it has the added benefit of saving us \$175 million, which then would go back into general funds if we take it out of the, the building fund and would allow us to balance our budget this year off of that, that money and use it for these other needed expenditures. So at the moment, I guess I support the bracket motion but I'm gonna see if I can get an amendment drafted before the afternoon and then maybe we can move on to some of the amendments as well if there-- are I've heard there's other necessary or interested amendments. So, I'll bring that amendment if I get it done. We could talk about it a little bit more this afternoon. Thank you, Mr. President.

ARCH: Mr. Clerk, for items.

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CLERK: Mr. President, your Committee on, Committee on Enrollment and Review reports LB650, LB645, LB474, LB398, LB36, LB453, LB667, LB133, LB319, LB383, 20-- LR20CA, LB80, LB632, LB322, LB649, and LB559 to Select File, some having E&R amendments, Mr. President.

ARCH: Senator Hansen, for an announcement.

HANSEN: Thank you, Mr. Speaker. Colleagues, this Friday, April 25, is the annual celebration of Arbor Day. Nebraska Revised Statute 84-1001 and the Legislature's personnel policies provide that Arbor Day is a paid holiday for legislative employees. However, the Legislature is scheduled to be in session on April 25. Pursuant to the personnel policies, is a full-time or part-time employee other than a temporary employee is required to work on a holiday, the employee shall receive compensatory time off for hours actually worked on the holiday. The Legislative Accounting Office will send out an email advising employees on how to fill out their time sheets regarding compensatory time in this instance. Again, the Legislature will be in session on Arbor Day, this Friday, April 25. If you have any further questions, contact my office. Thank you, Mr. Speaker.

ARCH: Mr. Clerk.

CLERK: Mr. President, Senator Storm would move to recess the body until 1:00 p.m.

ARCH: Colleagues, you've heard the motion to recess until 1:00. All those in favor, say aye. Opposed, nay. We are in recess.

[RECESS]

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

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

KELLY: Do you have any items for the record?

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

KELLY: Please proceed to the first item on the agenda.

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CLERK: Mr. President, pending was Select File, LB317, as well as a motion from Senator Machaela Cavanaugh to bracket the bill.

CLERK: Returning to the queue, Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. I want to also thank Senator Cavanaugh and Senator Spivey for their shout-out to continue a discussion on the Perkins Canal. But I do stand in opposition to the bracket motion. And I actually support LB317, which is a consolidation. Having been a county commissioner and city council member, I have always supported our consolidation efforts. With the understanding that there will be some eventual savings to our taxpayer. And so I am optimistic with LB17 [SIC] passing that these type of cost savings and tax savings will manifest themselves. I know that in this initial proposal they have not anticipated any savings at this point in time, but as the administrative roles get clarified more that I do hope to see something like that. OK, now jumping onto my favorite topic, which is the Perkins Canal. You know, I had some legislation that I introduced to the Appropriations Committee asking to capture at least \$500 million from the Perkins Canal project of roughly about \$629 million to be used-- \$250 million to be used to help with our deficit that will be continuing not only in this biennium budget but also in the next two bienniums budgets, but also to help be redirected towards \$250 million of the \$2.3 billion in requests from communities and cities and counties all across the state of Nebraska to help their water infrastructure, their aging water infrastructure. But, more importantly, my efforts at, at appealing to the Appropriations Committee was saying, hey, there's a critical element and, by the way, I do support the Perkins Canal as well, there's a critical element in the Perkins Canal that is the reservoir. The reservoir has been part of the Perkins Canal project plans since the inception. It serves a critical role, and I have asked them and challenged them, why haven't we built that reservoir sooner? To build two reservoirs, it would cost roughly \$200 million. That reservoir would be able to capture the surplus water flows of the South Platte and store them in the reservoir and release them as needed for irrigation purposes or for the hydro energy processes that they have in place already. So the point was not to derail the Perkins Canal, but to redirect funding and urge them to start that component sooner. Why? Why would I want to do something like that? And there's really very fundamentally important impediments to the making sure that the Perkins Canal gets built. First of all, the legal challenges. I've heard from residents in Colorado who have received these type of

eminent domain letters sent by the state of Nebraska. I have seen that they've hired an attorney. So this is not a quick fix and a quick process. This could take years. Why would I say it takes years? If you look at the Republican River project that was held up in litigation, that went all the way up to the U.S. Supreme Court where they had to appoint a special master to oversee the Republican River legal challenges and the responsibility of providing water flows, that took 19 years, 19 years to resolve. And the Republican River project was not near as complicated as the Perkins Canal project. So in addition to the legal challenges, and the eminent domain issues, already the attorney representing the Colorado representative or families have filed a lawsuit. But it's appraisal values that they're also complaining about. The one thing about the Perkins Canal project is that the canal itself is slated to be built with concrete, thereby not allowing recharge on the Colorado side. And so they are seeking damages for that lack of recharge that they can certainly use to benefit the South Platte and continuous flows. So there's other options and better methods of getting the Perkins Canal built, but, however, the amount of funding will be significant. There's a statute in our laws that would allow us to go up for bonding for infrastructure bills. And that might be a better option to pursue after we get the reservoir built. Part of the reservoir, they estimated \$580 million of regenerative value that was not included in the original budget. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I hope everyone had a nice lunch break. So there are some amendments pending. So we'll get you a vote on this, and then we'll take up whatever amendments are pending and, and see where the debate takes us. So, yeah, with that, thank you. I yield the remainder of my time.

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

CLERK: 1 aye, 29 nays, Mr President, on the motion to bracket.

KELLY: The bracket motion fails. Mr. Clerk.

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CLERK: Mr. President, Senator Brandt, I have AM1035 with a note that you would withdraw.

KELLY: So ordered.

CLERK: In that case, Mr. President, Senator Brandt would move to amend with AM1084.

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

BRANDT: Thank you, Mr. President. Good afternoon, colleagues. I'm introducing AM1084 to LB317. This is a short amendment that clarifies certain responsibilities assigned to the Director of Water, Energy, and Environment versus those assigned to the department itself, as outlined in the E&R amendment, which becomes LB317. This amendment addresses terminology within Chapter 46, which pertains to irrigation and water regulation. First, on pages 178, 179, and 286, references to the director are stricken and replaced with department. To clarify the responsibilities of the Department of Water, Energy, and Environment versus those of the director. Second, in the pages and lines amended under item 2 of AM1084, the term director is replaced in several sections of Chapter 46 with Director of Water, Energy, and Environment to make it clear that the reference is to the head of the newly merged and renamed agency. Third, on page 286, beginning with the word Director, on line 15, the entire reference to Director of Water, Energy, and Environment is stricken and replaced with department. This change clarifies that it is the department, not the director, that is responsible for collecting water well applications and remitting those fees to the State Treasurer for deposit into the water well standards and contractors licensing fund. Finally, the amendment adds a professional geologist as a qualifying credential for the position of Chief Water Officer. Clear and accurate delineation of responsibilities is essential, particularly given the many statutory sections affected by this merger. I want to thank the Bill Drafters and the legal counsels for DNR and NDEE for their extensive work on this bill. And I respectfully ask for your green vote on AM1084.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue, you're recognized to close on AM1084 and waive. Members, the question is the adoption of AM1084. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM1084 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Conrad would move to amend with AM1124.

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

CONRAD: Thank you, Mr. President. Good morning-- good afternoon, colleagues. This amendment was something that came to me over the long weekend, over the holiday break, and essentially a host of different stakeholders, current and former political leaders, longtime legislative staff, and a host of different environmental groups and other citizens were kind of combing through LB317 and trying to get a better understanding of how the renaming or merger was actually going to work in practice and then also looking at various and sundry component parts that were contained in LB317 because it opened up just so many different areas of statute. And one area of statute that was set for a general repeal in LB317 was the statutory framework surrounding the low-level waste code. So people I think are generally familiar with the fact that Nebraska has a lengthy and painful and expensive track record when it came to our interface with how Nebraska was going to affiliate with a compact for management and storage of radioactive waste and subsequent outcry by local landowners, environmentalists, and a significant amount of political turmoil and lengthy, costly litigation that ultimately put Nebraska on the hook for a settlement north of \$100 million. So after that turbulent chapter in Nebraska law and policy, or as part of that, there was then negotiated and carefully developed both a statutory and regulatory framework to govern these issues, to set parameters, to ensure a appropriate set of criteria were being utilized for decision-making on these issues. And while presently Nebraska is unaffiliated from some of these compacts I believe and I understand that proponents of this repeal have indicated that they think it somehow provides a greater protection to Nebraska for siting of these kinds of radioactive waste in the future if we move forward with the general repealer. I think my contention is that it's stronger to keep the statutory framework in place. And here's why. I think that if this issue were to reemerge and an actor showed up and indicated that they wanted to site a disposal or storage facility regarding radioactive waste in Nebraska and if we have no regulatory framework and if have no statutory framework, what is the basis or-- what is the basis for approval or denial when that would happen if we do not have that in place? What is the criteria that state regulators and other stakeholders would utilize if we don't have that in place? And that's why there's general concern about doing a general repealer of this code because it removes carefully

negotiated, carefully negotiated statutory framework to help provide criteria and clear decision-making balanced against the competing public policy interests about how Nebraska should act if approached for these kinds of siting or storage discussions. And so at the very, very least, colleagues, even if people of goodwill can have a different point of view as to whether or not it's more protective of Nebraska's interest to move forward with the general repealer, or it's more protective of Nebraska's interest to retain the existing statutory framework, at the very least, these are incredibly important questions that should be answered and should not be rushed. What my amendment does is it removes this component from the general repealer and leaves the current law and policy in place. If in fact stakeholders have an opportunity to have a more significant, thoughtful, clear deliberation on these topics, we can easily move forward with the repealer next year. By leaving the current policy in place and allowing LB317 to move forward in regards to the rebranding or to the merger, however you want to term it, this should not stymie nor delay nor impact the underlying policy goal or piece of legislation. But it just says, hey, let's hit the pause button, let's take out this general repealer in regards our current policy, our current statutory framework to ensure that Nebraska's carefully negotiated terms of engagement remain in place rather than being wiped off the books. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. I guess I'm in support of AM1124. I did just sort of push my light because sometimes people put up amendments that are sincere and things just start going and everybody just votes whatever their habitual way is. So I thought I would at least slow things down a little bit for the conversation. Senator Conrad's making some really good points about why we may want to keep this language in the statute because of how it was, as Senator Brandt talked about originally, negotiated over a very long period of time. It developed in the '70s when we joined the compact, and then the '80s when the compact was chose to site in Nebraska, and the '90s when we opposed the compact placing the, the materials in Nebraska. And then there was litigation in the 2000s where we ended up paying something, I think Senator Brandt said \$170,000 or 150-- or \$170 million, sorry, or \$145 million, something along those lines. But some very large amount of money as a result of our pulling out of the compact. And so this is all developed over time and I, I understand there's always an impetus to clean up statute if

we think that something is superfluous or unnecessary and I certainly understand the desire of folks to move things quickly and to create government efficiencies and consolidate. I'm in favor of efficiencies and consolidation where we can. But one of my problems with LB317 overall is it feels like we are rushing. We want to, want to make government smaller. We want to consolidate things. And so we just sort of picked something and we're jamming it together. And as we've said many times in places, we're jamming together, but there's no extra space. You know, like when you think of efficiencies, you might think of, like, a zipper interlocking and like you're going to get less, you know, negative space or whatever, you fill it in with the other things and you'll have an efficiency there. Here it's just like two blocks being put next to each other and we're saying well they're closer together so eventually they'll become maybe intertwined or something and that'll be efficient but that's not what's happening here. So I, you know, I, I support AM1124. I do think that LB317 overall is a rush, but I do have my amendment that maybe we'll get to soon. So I encourage your green vote for AM1124. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, members, the question is the adoption of AM-- Senator Conrad, to close.

CONRAD: Thank you. Thank you so much, Mr. President. I was in conversation with Senator Brandt as chair of the committee and as lead sponsor of this bill and Senator Storer who has interest in, in this issue as well since the prior dispute deeply involved her district. So if Senator Brandt would perhaps yield to a question that might be my most effective way to close here.

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

BRANDT: Yes, I would.

CONRAD: Senator Brandt, you've had a chance to review the amendment. We've talked about this issue briefly today as it has popped up. Do you consider AM1124 a hostile amendment?

BRANDT: No, I do not. I checked with the attorneys back there for NDEE. It's, it's kind of a neutral amendment actually. And it comes down to your argument that you feel that you need this protection in there versus my argument or their argument that if, if it's a blank slate that they would not be able to do this. It is kind of six of

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one, half dozen of another. So I kind of see it as a neutral amendment.

CONRAD: Thank you so much, Senator Brandt, I, I appreciate that. And at the very least I would just urge members to give favorable consideration to AM1124 at this juncture. We may end up having a meeting of the minds on these topics once we have a chance to get all stakeholders together, but I think by at least preserving the status quo in regards to our statutory framework at this moment, that will allow for cooler heads to prevail, more information to come to the table, and it will not inhibit the overall overarching goal of moving LB317 forward. So I would urge your favorable amendment of AM1124 and I appreciate the chair for indicating his assessment that this indeed is good faith and not a hostile amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Members, the question is the adoption of AM1124. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 8 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Storer would move to amend with FA116.

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

STORER: Thank you, Mr. President. This is also a friendly amendment. I've had discussions with Senator Brandt as well as NDEE. And the, the concern-- what the amendment does is simply strikes language in Section 18 that says it would strike the term of such agreement, which shall not exceed 10 years. It's limiting funds for projects. The, the 10 years is a limitation on projects under the Water Sustainability Fund. The intent, certainly, I think, was, was good, which was to align this with some of the rulemaking under the Natural Resources Commission. There's still some question if we leave this language in here without any provision for-- in statute for those projects to ask for an extension that they might sort of be hobbled to adhere to the very specific language here, which is not to exceed 10 years. And so, again, this is a friendly amendment, making sure that we don't unintentionally limit the completion or the use of those dollars in the water resource fund under the Natural Resources Commission. So

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with that, I will yield the rest of my time. I ask for your green vote on FA116. Thank you.

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

BRANDT: Thank you, Mr. President. I want to reiterate, this is a friendly amendment. It just strikes one sentence in the bill. Thank you.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue, Senator Storer, you're recognized to close and waive closing. Members, the question is the adoption of FA116. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: FA116 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to amend with AM1133.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. This is a friendly amendment. Though Senator Brandt-- Chair Brandt may have mispronounced the word friendly amendment by saying the phrase hostile. But, you know, tomato, tomato. Anyway, this is the amendment I've been talking about. AM1133 will take out the additional money from the Perkins County Canal Fund that was added in the budget in May of 2023. So in 2023 we appropriated \$574 million for the Perkins County Canal and the original budget request was about \$150 million less than that. And so the original request was for 500 cfs canal, 500 cubic feet per second canal. And then Governor Pillen said, well, let's build a 1,000 cubic feet per second canal. And that additional cost is only the additional marginal difference of \$150 million, the small price of \$150 million. Obviously, the arguments for that were sometimes there'll be more than 500 cfs that are available, and we can capture that in the canal. We can run it to the reservoir that Senator Raybould was talking about has-- does bring great value. There was the argument that we had the money at the time, so we are not going to have the money again in the future. We are now currently in that future where we don't have that money. And so we had to put it aside then. I argued at the same thing I'm arguing now, but I think has been

put into starker relief by virtue of the fact that we don't have the money. And by virtue of the fact that we are entering the litigation phase of this project. My argument was that the compact, the Perkins or the South Platte Compact between the state of Nebraska and the state of Colorado that gives us the right for the 500 cubic feet per second during those October to April months gives us additionally the right to eminent domain land in Colorado to build a 500 cubic feet per second canal. My argument is, it does not give us the right to use eminent domain for a 1,000 cubic feet per second canal. So when we increased the size of the dollar amount and the actual construction project, we are violating the terms of the compact. And, therefore, giving an argument to the people in Colorado who do not want us to take their land, who do not want us to perfect our right to the water, giving them an argument to object to our exercise of eminent domain and, therefore, preventing us from ultimately building even the 500 cfs canal. So that's why I think we should change the project parameters. What this amendment does is changes in the statute from a 1,000 cubic feet per second canal, says the Perkins County Canal should be a 500 foot per second, cubic feet per second canal, and it changes the appropriation, decreases by \$150 million, shifts that money from the Perkins Canal Fund to the General Fund. This is very attractive at the moment because we have a budget shortfall still. I don't know exactly where it is. I know the, the Forecasting Board meets this week and based off of their recommendation or their projection, we'll have a little bit more information on where we are. And then, of course, we are passing bills to find this other money. We have Senator Brandt's proposed tax increases on small businesses and pop and candy. I imagine-- do those raise \$150 million? He's-- well, tomato, tomato. So Senator Brandt is looking for that-- tax increases there. Senator von Gillern brought a bill from the Revenue Committee to claw back some of the, the tax credits we have given. I know Senator Hughes has a few bills on, on tobacco and vape taxes that folks are looking at. And I know there's a smattering of other places people are looking to bridge that budget shortfall. Oh, Senator Ballard's bill last week on retirement. So we're looking all over the place. I do think that we really need to look at this fund. It checks those two boxes. It puts us in line with the compact, which will-- if we are in line with the compact, we have a better chance of actually building any canal, let alone 500 or 1,000. And it saves us a huge chunk of money that we need right now. We appropriated this money to the canal fund when we had more money. We don't have that money now. We have a shortfall. We should be clawing back some of that money and putting it into the General Fund so that we don't have to raise taxes

on small businesses, so that we don't have to claw back tax incentives that we have provided to people. We can, we can mitigate the harm of our budget shortfall more easily and solve this problem that will present itself as a legal challenge in the near future, which will hang up this canal, thus slowing down our ability to actually claim our rights. So I know that your-- people who have been here with me this whole time have heard me talk about this canal. I brought a bill to the Natural Resources Committee during the special session to try and take back some of this money. I fought this on the, the floor the first time, and I continue to make this point that the canal brings value, but we should build it, the non-Cadillac canal is what I said at the time. We should build the economy canal and not the Cadillac. We bought the Cadillac or we paid for it when we thought we had Cadillac money. We don't have Cadillac money right now, right, we're borrowing money against the future. So this is where we can take some of that money back and fill in that budget shortfall. So I encourage your vote on AM1133. It'll make the whole rest of the session go a lot smoother. It'll make the building of this canal go a little smoother. It'll put us in a stronger position to be in compliance with the South Platte Compact. So thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. In the north balcony, Senator McKeon has some guests. They are fourth graders from Amherst Public School in Amherst. Please stand and be recognized by the Nebraska Legislature. Senator Storer would like to recognize some guests in the north balcony. They are 17 high schoolers from Burwell High School. Please stand and be recognized by your Nebraska Legislature. Returning to the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I rise today in favor of Senator John Cavanaugh's AM1133. I think this is actually a really interesting topic to talk about with regards to the canal. So when I first came into the Legislature a few years ago, the canal had been discussed, talked about, and I think it was that year that we did the budget appropriation, where they put aside the \$574 million that Senator Cavanaugh has spoken about for the canal. My understanding from talking to water experts and legal experts about the process the canal is going to go through before it can even begin construction in a meaningful manner is that it's going to absolutely be mired in litigation for a very long time. I recall actually watching a clip, I'm fairly certain, of the gubernatorial debate in Colorado where the Democrat and the Republican were both asked about whether or not they were going to agree to give water to Nebraska and it was the one thing that I think they both agreed on and the crowd all stood up and was

clapping, we're never going to give our water to Nebraska without a fight. And so the point I make with that is that the process that the canal has to go through before it is in its final iteration is one that is going to be lengthy. And when you have this budget crisis that we are dealing with as a Legislature, and we can talk about how we got here, right, we can go into a great conversation about some of the self-inflicted wounds that got us to this point where we are in this sort of process where we're running around with our hair on fire trying to find \$1,000 here and \$1,000 there. You look over at this cash fund and you see, for all intents and purposes, a break in case of emergency box with \$574 million in it. And there are some in this body who are unwilling to consider even the possibility, not of taking all of that money, not of removing that and getting rid of the canal, but to reduce the amount of money in that because, as Senator John Cavanaugh has outlined many times over the last few years, the canal that we need to build in an effort to perfect the claim or make the call on our water claims can be much smaller. So we can accomplish the same goal that the canal seeks to achieve. I'm not saying get rid of the canal project, but to reduce the cfs, the construction of the canal to a smaller canal that still achieves the goal, frees up upwards of I think he said \$150 million, which then allows us as a Legislature to have more options on the table. And that's not options on the table like increasing a bunch of government spending. The options that permits us are to not increase the sales and use tax base, are to not try to balance the budget on the backs of everyday working Nebraskans. And it allows us to say we're going to in this time of budget issues, tighten our belt, be fiscally responsible, and use some of the money we already have sitting in this fund to fill some of these budget gaps instead of making you, the taxpayer, pay more money out of your pocket to make up for our budget issues. And so one of the things that I tend to hear about consistently when I talk to constituents about the budget problems are that they want to see us restrain our spending. And, you know, frankly, colleagues, this year in the Legislature has been very different than my first 2 years. When you bring a bill this year that has a very extensive fiscal note, it undergoes a lot more scrutiny because people know our finances are strapped. And that's not to say that any bill with a fiscal note is dead on arrival. But in order to justify spending more money this year, it has to be a really good cause. And I think you also have to demonstrate a pretty good return on investment if we're going to save money down the line. And so we're operating within these constraints. But I think the frustrating part when I talk to folks is that they feel as though some of those constraints are self-imposed. And so what

AM1133 seeks to do is to not eliminate the canal, is to not get rid of the program entirely, but to act in a fiscally responsible manner. And to say we don't need the Cadillac-sized canal right now, we actually can go with the, you know, subcompact because we don't have quite enough money right now and still achieve the same goal. So I would encourage colleagues to think about this, to engage in this issue. This is not terminating an entire program, but it's telling our constituents we're not going to try to balance the budget on your back. We're going to make sure that our spending is done in a more responsible manner. So, colleagues, I would encourage your vote on AM1133, and I would appreciate, I guess, a conversation here today about whether or not we need the full version of this or, in fact, we can be fiscally responsible here in Nebraska. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. I'd like to clarify something that I said earlier. I had stated that Governor Orr was responsible for getting us into the compact. It was Governor Kerrey that got Nebraska into that compact. I apologize for the mistake. The experts out in the lobby, by downsizing the canal, would save \$61 million, not \$150 million. When we went out and toured the canal a couple, 3 weeks ago, that was a specific question I asked the experts on the canal. If the canal is twice as big, do we need twice as much land? They said no, it will be the exact same amount of land. And I believe in total, in that 17 miles in Colorado, we're talking about 600 acres total, if I remember correctly. And the 520 cubic feet per second is a minimum amount. We can take more than that if the river is flooding. If the river has more than that, it can go into our canal and be stored there and used in Nebraska. So I just wanted to point a few of those things out. This is a hostile amendment. So if we get to a vote on this, I would encourage everybody to vote red on that and support the underlying bill. Thank you.

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

JACOBSON: Thank you, Mr. President. Well, let me say, Senator Cavanaugh, if you're anything, you're consistent. You've been after this Perkins County Canal money from the beginning. I don't think the ink was dry when we allocated, then you were trying to get that money. So, so you are consistent. What Senator Brandt just said is exactly

correct. First of all, 500 cubic feet of water, that's the minimum. It's not the maximum, it's the minimum. Last I knew, minimum was you must deliver this to us, but you can't deliver more. So that's, that's a nonargument. But Senator Brandt just said, you're not going to need more land. You can either dig it wider or you can dig it deeper. So this is handled. When we started looking at the commitment to build this canal, we were making a long-term strategic decision to save the water. 20 years from now, what will that water be worth if the front range continues to expand at its current pace? How would you like to own a feed yard or a farm in eastern Colorado without water? I can tell you, this will get worse. Some of this water from the Perkins County Canal will make it all the way to Lincoln. Water is an important resource. We must protect it. That's where this started, really, with Senator-- or with then-Governor Ricketts continuing with Governor Pillen. This is a priority of the governor to fund it, and we need to do-- we need to protect the funding that's there. There are a lot of other funds, we can sure talk about those, that we can go raid to pay it. But we spent this money when we allocated it to the Perkins County Canal and that's where it needs to stay. I fully support Senator Brandt's bill, LB317. I adamantly oppose AM1133. It absolutely is a hostile amendment and we should not vote for that amendment or any other amendment that's going to take money out of the Perkins County Canal Fund. We worked too hard to get it there. We need to keep it there. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I come up here to agree with Senator Jacobson and Senator Brandt. This is a hostile amendment, and we need to show Colorado that we're serious about the compact and weakening our resolve about the Perkins Canal is only going to give them more ammunition to say Nebraska isn't really serious, but we are. The compact gives us 500 cubic feet per second. It doesn't prescribe the size of the canal, just how much water we get. And I'm really glad to hear that we don't even need more land to have the extra capacity. So the-- it's not true that the compact says you have to have a canal that only holds 500 cubic feet. That's just the quantity of water we get, and we can build a canal that holds that and more. It doesn't prescribe-- the size of the canal has never been mentioned to me. And we will balance the budget without this amendment. There's still things going on in the works that we'll be able to come up with a balanced budget. This isn't the last dollar that there is around. And, finally, the 1,000 cubic foot per second canal is under design now.

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And this would probably make them take a step backward in changing the design and waste money by having to start over. So I urge your red vote on AM1133 and green vote on LB317 without that amendment. Thank you, Mr. President.

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

CLERK: Mr. President, Senator John Cavanaugh would move to amend with FA117.

J. CAVANAUGH: Senator Cavanaugh, you're recognized to open on the floor amendment.

J. CAVANAUGH: Thank you, Mr. President. Colleagues, you'll be happy to know I listened and I took note. FA117 amends the amount transferred to \$61 million, which is what Senator Brandt just said was the amount the experts say is now the difference between a 1,000 cfs canal and a 500 cfs canal. And, of course, we all know this, we appropriated this money in 2023, construction costs have gone up, so it is totally believable that the cost of a 500 cfs canal has gone up since we appropriated the money. And I actually would expect, when it's all said and done, the full canal, whether we build 1,000 or 500, will cost more than we've already appropriated. But I think the points that have been raised so far that are interesting. Senator Dungan pointed out that this is going to be mired in litigation for a long time, which is true. Senator Jacobson pointed out that when we moved this money in this account, we appropriated it. That is not true. This money is sitting in an account. We are looking for money right now. This money's going unused. It's going to continue going unused until we actually get to the construction phase after the litigation, after we have accrued or acquired this property. So we could certainly, when we get more money in the future when the ship is righted, as it were, then maybe we can put back the additional money or the, the money that would be due on top of this. My point is that we should be purposely building a 500 cfs canal, and that was always my point and that we shouldn't appropriate additional money for a larger canal because, though, yes, we could get more water. The 500 cfs is the amount that we have a right to call out. So if there is less than 500 cfs during that period of time we can go to the junior water holders and say you need to stop using because we have a right to that water until we get to 500 cfs. It does not mean we don't get more water than that, but you know where the water goes right now? In the river. We don't have a canal, and we're still getting water during that period of time. We don't need to spend \$61 million, \$100 million, \$500 million, or \$1 to

get that money right now. So if in flood times where there's a lot more water, the canal, the canal is there for when we have low water to guarantee our right. But when there is 1,000 cfs, 500 can go in the canal, 500 can in the river. So we don't need to spend extra money to build a bigger canal for that. My point as to why I say we should build a 500 cfs canal is, as was pointed out in this bill, the reason I brought it up on this bill is that we are attempting, we believe that as a matter of law we have to be explicitly in line with the compact, meaning we need to make sure there was a successor agency, right, to the agency that has the right to build this. We needed to-- we need to build the canal to perfect our right. We can't go-- we've had this conversation initially where we said, why don't we just pay Colorado \$100 million rather than \$500 million to perfect our right and that they would recognize it? And the-- Governor Ricketts at the time, Governor Pilleen in his succession and the Attorney General, I think, have all said that Colorado is not going to go for that. We need to be strong and forceful, as Senator Clements just said, in asserting that we are going to take our right. And so we are saying, the reason we have to spend \$574 million is that Colorado will not give us the, the water unless we follow the letter of the compact. And what I'm saying is the compact maybe doesn't explicitly say build a 500 cfs canal. It says Nebraska has the right to build a canal to carry 500 cfs. So I think if I was the lawyer for the state of Colorado, if I was objecting to Nebraska's exercise of eminent domain to my client's property, I would say they have right for eminent domain to build a 500 cfs canal. I can show you the legislative record in Nebraska where one of their state senators continuously, habitually, consistently pointed out that we were going against that. And so I would argue that Nebraska does not have a right to build a 1,000 cfs canal. And that's what I'm saying here, is that we should change our statute to purposely build a 500 cfs canal and that has the virtue of saving us money. \$61 million is less than I was saying, but it is about as much as we have changed teacher pensions, as much we've clawed back from incentives, as much as we're hoping to raise by increasing taxes on small businesses. So-- and as Senator Dungan correctly pointed out, we should show the people of the state of Nebraska that we're serious about being frugal, that we are serious about doing things the right way before we go and ask them for more money, before we start raising taxes on people, before we start taking away things that we have afforded to them. We are building a \$1,000 cfs canal for the rare occurrences where there's so much water in the South Platte River between October and April that it will overrun the banks of the Platte and we wouldn't be able to capture it that way.

We're building it for rare occurrences when water would otherwise already come to us. This is a waste of money to build a bigger canal. If the argument was we need the extra money to build the bigger reservoir on our side, maybe that's an argument, to store more water, to create more recharge, to do other things of value on the Nebraska side. But just to capture more water coming across the Colorado side that at that time, if there is 501 cfs coming down, we would already get it anyway because that means Colorado has not captured it. The 500 cfs in the canal is just for the right to call out junior rights. So, yes, Senator Brandt doesn't like this amendment, Senator Clements doesn't like this amendment, Senator Jacobson doesn't like this amendment. But I'm telling you, when we come and you guys ask me to vote for a tax increase on small businesses or for tax increase on working people's food or to claw back tax credits, I'm-- this is what I'm thinking about, I'm thinking about you guys want to increase taxes on working Nebraskans, but you will not make the reasonable decision to save the money that we don't need to spend because you have just decided that you need the 1,000 cfs canal. So FA117 is more conservative, it cuts it down to what apparently the experts say would take. So rather than \$574 million, you only need \$516 million, no \$506 million because it's \$61 million. So it claws back \$61 million. So you can apportion that however you want across the budget. You can vote against tax increases if you want if we approve this and put the budget in the same place. So I encourage your green vote on FA117, on AM1137 [SIC]. And then if we adopt that, I'll vote for LB317. Thank you, Mr. President.

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

RAYBOULD: Mr. President, I, I do support FA117 because Senator Cavanaugh stated very clearly it would eliminate one legal hurdle obstacle when it comes to furthering the construction of Perkins Canal. I've met and made a lot of new friends of Colorado landowners. And they're going to fight this tooth and nail. They have legal counsel. They're going to object to every element that veers away from the compact language that is permissible. So just to, to give you an idea, they're already fighting the eminent domain language that is in the compact. They're fighting the amount of money the state of Nebraska has already offered for their land, either for easement purposes or outright purchases of their land. They're also challenging additional and claiming additional damages for the fact that the Perkins Canal will be built out of concrete, thereby eliminating the recharge benefit to some of the irrigators in Colorado. So they're

going to, they're going to challenge it every step of the way. And please, I want to make sure-- I support the Perkin's Canal. I support getting that reservoir built ASAP because that's on the Nebraska side. It has always been planned to be on the Nebraska side. If we could build the reservoir right now, we could be capturing a tremendous amount of the surplus water flows of the Platte River. So I want to make a great recommendation. The Department of Natural Resources has a phenomenal website where they have so many video clips of the Perkins Canal project. And my favorite one is surplus water flows. Why is this important? Because we should have had the reservoir built years ago, because we have a right to capture that surplus water flows. Right now, our right is not the 500 cubic feet per second. We're only entitled to 120 cubic feet per second during certain times of the year. We are guaranteed the right of capturing that surplus water flows. That's why the reservoir is so critical. We could capture and store and release it during the irrigation season as needed. And it's fundamentally important. On some of the estimations from the Department of Natural Resources, they said just that reservoir alone would generate \$500 million-- \$580 million of additional revenue. I do not know how they calculated that amount. I haven't seen their homework on how they got to that number. But, to me, that's important. It's something that's going to cost under \$200 million to get constructed and tie it into the South Platte. But that's something they should do. So I encourage you all to go to the Department of Natural Resources, look under surplus water flows. This shows you how important it is to capture it. In 2023, there were tremendous flooding. We've seen because of climate change, there are horrific downpours and more forceful downpours, so much so that the state of Colorado on the Colorado side, they couldn't capture it. So you can't imagine, you know, during high peak season it can get up to 900 cubic feet per second. During 2023, there was 9,000 cubic feet per second of water flow. And just to give you an idea, it translated to about 72,500 acre feet of water. And just visualize this. That amount of water equals 240 times the size of Memorial Stadium. That's how much water could have been captured in June of 2023 and stored and released, otherwise that water just goes on down and heading east towards the Missouri River. That's why it's so fundamental to take care of some of the critical elements of the Perkins Canal now. Now, the other thing that, that I have heard from my new friends in Colorado is the amount of money that we have already allocated towards the construction of the Perkins Canal is insufficient to actually do what the Perkins Canal is intended to do. Not only is it insufficient in the total construction of the huge project itself, it's

insufficient to continue to fight some of the legal challenges that are just now getting started. It has to work its way up that legal food chain to get up to the U.S. Supreme Court and then it'll sit there, get appointed by a special master, and probably take at least 19 years or more to process it. So the point is well taken, why are we letting that money sit there? Build the reservoir, get that going ASAP, but take the funds that will help alleviate our budget deficit at this point in time. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President and good afternoon, colleagues. I rise in support of the floor amendment. And appreciate the discussion that my friend Senator Cavanaugh has brought forward in regards to this issue. And as my friend, Senator Jacobson noted, Senator Cavanaugh has been incredibly consistent in his research and analysis of this proposal to try and figure out how to right-size our approach to ensuring that Nebraska gets everything it is absolutely entitled to under the 1894 compact and is always looking out for our state's best interests and our water present and future. I had a chance to take the tour of the Perkins County Canal area and hear directly from landowners and local elected officials and state water experts about their vision for this project and to get an update on kind of how the implementation and execution of the appropriation was going at that point in time. The folks that invited us out, all state senators I think have been invited on, on those educational trips, understood that I was skeptical of the program even though I agree with the underlying goals to make sure that Nebraska gets every drop of water it's entitled to get in protecting our legal rights and our access to those critical natural resources. I would prefer to move forward in that regard with a, I think, different approach in fidelity to the legal structure governing this issue and a way to achieve the same goals with a better cost savings as Senator Cavanaugh has deeply researched and put forward and my friend Senator Raybould has conducted her own due diligence as she always does on the issue and, and has reached a very similar conclusion. But the, the tour itself was incredibly educational, engaged, informative, well done. I commend all of those stakeholders who came together to conduct that. But I did have lingering questions as to what is our plan B? If this Cadillac plan doesn't move forward, what does-- what endeavors has Nebraska undertaken to create kind of a, a backup plan if the Cadillac plan doesn't come to fruition? At that point, it didn't seem like there really was a plan B available, which I think is a bit concerning. So I

also think it's important that we take up this amendment at this point for a variety of different reasons. As we've heard from other senators, whether it comes to tax credits or revenue policy or whether it comes to appropriations items, the governor and legislative leadership have been very clear that we should take a last in, first out approach to addressing recent expenditures in order to close our existing budgetary gap. This should be a big piece of that puzzle because this is a very new expenditure and it, it should be treated with an, an equitable perspective as has been applied to other areas of tax policy and budget policy. Additionally, I think it definitely raised many eyebrows when just last summer, I believe it was in 2024, Governor Pillen was making the rounds and made a stop in, I think it was York at that point in time and was having a town hall. And the headline out of the town hall from Governor Pillen was, I will abandon the Perkins County Canal if legal costs get too high. And he went on then to respond to audience citizen questions about how he would come to the Unicameral and ask the Unincameral to abandon the project if it gets tied up and if lawyers start taking all of the appropriations and all of the money? So that also shows kind of a, a skepticism very recently from the governor about litigation impacts with this particular project and perhaps his thinking on it just last summer and the-- how this issue may be subject to complex litigation. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraskans watching us as we deliberate the future of Nebraska. One of the things that I was struck by when I took a tour with some of the other senators of the South Platte Basin, and we went out to look at where the canal would begin, and we looked at some of the structures downstream from there. Well, one of the moving moments was seeing the construction that happened years ago, decades ago, to create Lake McConaughy and Lake Ogallala and all those structures, what foresight and vision people had to make those things reality. Well, the Perkins County Canal someday will be one of those things that people will look back and wonder about how it happened. And so I'm glad to be here today to stand up for the Perkins County Canal. It perfects our right to that water. The AM1133, the FA117 are both ways to water down the Perkins County Canal. That money that we had set aside or have set aside for the Perkins County Canal was kind of a convergence of the planets so to speak, the odds of that ever happening again and us having \$500 million that we can spend on

something that is that impactful, but that expensive, the odds of that happening again are, I don't know, zero. I hope we never have another COVID to go through that all again. But, nonetheless, we had a windfall of cash and we set it aside for the canal. I think we should spend it on the canal and not water it down. The budget problems we have are primarily one-time expenses, an increase in the cost of Medicaid because the federal government is not reimbursing it at as high of a rate as they were, and then the increase in costs in special education funds. We increased the reimbursement rate and when we did that then we got an increase in the total expenses for special ed that are going to-- are really, really putting pressure on the budget. So to pay for those costs with the Perkins County Canal money would be absolutely foolish. That Perkins County Canal money is, is a very lucky happenstance to have that kind of around and to spend that on one-time budget adjustments to fix the budget, it, it would just be absolutely foolish. We know the importance of that water and I encourage my colleagues to stand strong to support the Perkins County Canal and also to, to stand strong in support of LB317. Thank you.

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

McKINNEY: Thank you, Mr. President. This is a very interesting conversation. And it's interesting because we're talking about long-term investments and making sure we protect them for the future of the state. And I bring this up because when we have the budget debate, Senator Jacobson, we're going to talk about protecting funds that were allocated in the past for specific things that need to be protected for long-term investment. So I hope you're there with me when we get to the budget, because as Senator Moser said, we were very lucky to have those funds and it would be very foolish to pull those dollars back because it's very important to eliminate poverty in the state of Nebraska. It's very important to uplift small businesses in the state of Nebraska. And it's very important to make sure that if this Legislature says it's going to do something, that we're going to do it. Now, on the other hand, I do disagree with some things like building a new prison, as you all know. And I disagree with it because we don't need to build a new prison. It don't make sense. We're one of a few places in the world that's trying to build prisons. And just last week, our Supreme Court ruled on LB50. And it ruled that LB50 was actually, guess what, it's constitutional. So it was a 2-year delay because individuals wanted to say that it was unconstitutional. But thanks to our Supreme court, 1,000-plus people will be eligible for parole. And what that means is, if 1,000 people get out, right, we are

not overcrowded, which means we don't need to build a new prison for overcrowding. So that means we could save a half a billion dollars. Think about that, Nebraskans. Think about your tax dollars. We don't have to waste a half a billion dollars on a new prison because our Supreme Court ruled that a bill that we passed in 2023 that was challenged because of an AG's Opinion that it was unconstitutional, it's actually constitutional. So we don't have to build a new prison if we just allow for that 1,000-plus people to be released from prison on parole. So we could save a half a billion dollars, put it back into the General Fund, give property tax relief, give resources to needy families, basic needs, affordable housing. We could do a lot of great things. So there's one thing I disagree with that this state did decide to put money into and that's a prison. And thanks to our Supreme Court, it highlighted that we really don't need to build a prison if our Parole Board and our Department of "Punitive" Services just starts to do their job, we will have 1,000-plus people out on parole in our communities like they already should be and our prisons wouldn't be overcrowded if not for the challenge that the bill was unconstitutional. Now that the bill isn't unconstitutional, it furthermore shows that building a prison in 2025 is not a great idea. We don't need to waste a half a billion dollars on a prison. We could save money. We could stop arguing about nickels and dimes and save money. And the canal-- guess what, Senator Jacobson, the canal money could actually stay because we could just take that money that's been set aside for the prison and do everything that we need to do. So, again, when we get to the budget and we talk about long-term investments and things that this Legislature decided in the past to invest in, I will not forget those words, Senator Jacobson. I have those highlighted and chalked up in my notebook because we're going to have strong conversations on the budget about things as being pulled from investments. But, most importantly, I just wanted to let you all know, as I always say, we don't need to build a prison because 1,000-plus people are now eligible for parole thanks to our Supreme Court who ruled that LB50 is constitutional. Thank you.

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

JACOBSON: Thank you, Mr. President. Senator McKinney, thank you for those words of wisdom. I will definitely take them under advisement. I would just note that I was right, the solution to the prison problem was to let everybody out so I've got that down. With regard to some statements were made on the Perkins County Canal, I heard that we should look at the LIFO, and maybe this is one of the later projects and maybe we should roll that back. Well, let's remember that \$90

million of the interest on the Perkins County Canal and interest on prison was diverted to north Omaha to fund a project in north Omaha. Why don't we claw that money back and use it? That's the interest that's, that's accruing from these 2 funds for 2 years. Can we get that money back? Let's, let's go to that fund to get that back. We know, as Senator Conrad or, or Senator Cavanaugh said, that it's going to cost, whether you build a 500 cfs canal or a 1,000 cfs canal, 500-- the dollars that are in there today is not going to be enough. We know we're going to need more. We've already-- they've already diverted some interest money away, which we never should have allowed, but we can't let another cent come out of that fund. And as we-- the time goes by, we will be getting interest income, investment income actually, back on that fund that will also defray some of those costs. But there's going to be significantly more costs that we're going to have to fund down the road. We all know that if we take money out of that fund, it's not coming back. OK? We know that for a fact. There are several other places we can go. I just mentioned one of them. But there are several other funds. I always get a kick out of hearing the testimony, and we're going to hear this later when we get into the budget, how the governor and the Legislature have squandered this money away. Well, we put \$500 million in the Perkins County Canal Project as an investment. We put money away for the prison as an investment, OK? And for those of you who haven't seen the prison, it's a, it's a very, very old facility, and we are likely going to be sued because of the overcrowding and also the dilapidation of the facility. So to think that that prison's going to last forever is a pipe dream. I would also say that when you look at the-- finding these dollars, there were the dollars for Perkins County Canal, dollars for the prison. Oh, let's not forget the \$1 billion that went into the Education Future Fund. Should we claw back in years of that back? There's a lot of places to look. But it seems like we always go back to the Perkins County Canal. Something that we drastically need. We tend to look at today and we don't look 20 years down the road and say, boy, I wish we hadn't squandered that opportunity to get the water that we're entitled to from Colorado. We also hear about there's a compact and it's going to be challenged in court. Well, be careful what you wish for, Colorado, because you've got a lot of other compacts out there with a lot of other states. Are you going to be ready to defend the compact you've got with them? Are you going to give them the roadmap as to how you defeat a compact? This compact is very simple. They must not have had as many lawyers at that time because I think this whole thing is, like, 13 or 14 pages long. I mean, it would take reams of paper to do that contract today. At the

end of the day, we agreed to fund the canal. And let me also say people talk about, though the water if we didn't divert it to the Perkins County Canal, it would go down the river. Yes, it would. It would go down the river and out the back end of the state and be gone for good or we can build the Perkin County Canal which, oh, by the way, includes a dam along the canal that fills up and we get the water from there. We store the water. So I would encourage a no vote on FA117 and AM1133. Yes on LB317. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And, colleagues, I rise again in favor of Senator John Cavanaugh's amendment, now FA117, and also in favor of AM1133, both of which, colleagues, I do think represent a good faith effort to be fiscally responsible with the money that we currently have sitting here. Senator Jacobson and I, I think, probably just disagree about this issue. And that's, that's completely fair. I think reasonable minds can disagree. But when I talk to constituents, and this has happened multiple times since the session has started, in this conversation about the budget, when I talk to constituents and talk to them about where we're supposed to find money to make up our budget deficit, and I explained to them that there's this \$570-plus million sitting in this cash fund that is likely not to be tapped into for a decade, if not more, they're really upset. And now, granted, I represent Lincoln constituents, and I understand that I may have a different perspective than maybe a more rural senator. But I do also listen to the experts who talk about this issue. My understanding is that when the canal was first pitched, I, I wasn't here during that, and there was a conversation, apparently, where the then- Governor Ricketts argued that this canal was going to avert a decrease in agricultural water supplies and increased pumping costs. But according to water rights experts, the lawyers who actually do this for a living, which none of us do, but I, I know we're all trying our best to keep up on it, in addition to folks who actually study the agricultural aspects of this, neither of those scenarios are really ones that we are likely to run into. My understanding is that Nebraska relies on groundwater for 80% of farming irrigation. And the water that comes from this hypothetical canal that Senator John Cavanaugh has already pointed out, only arrives during the off season. So it's not even hypothetically going to be helping the state's farmers. Now we can talk about money for reservoirs and we can talk about money to hold some of that water that we would otherwise get, but the idea that this canal is a necessity, I think is just flawed. Now, granted, I understand why people want it. I understand, you know, Senator Conrad

talked about speaking with those who are in favor of the canal and being convinced that in theory it's not a bad idea. I agree that a canal makes sense. What I don't agree with is this Cadillac canal, which is unnecessarily large, which is statistically speaking, unlikely to ever capture as much water as it's being built for. And instead is only going to serve as a way of spending down money that we had at one point that was ARPA money. Senator Moser pointed this out. We got all this money from the feds thanks to COVID. And we were looking as a Legislature for ways to spend it. And so we committed to this project and now we find ourselves in a budget deficit and rather than reexamine where that money is going and even reexamine the cost of the project, people are saying this money is untouchable. And I guess where I, where I prickle at that a little bit is there are so many other cash funds that we as a Legislature are willing apparently to touch to deplete, to take money from in an effort to backfill the budget. Look no further than last year during the budget adjustment process where there was this cash sweep, cash fund sweep, and, and it was, it was not even a secret, it was talked about how we were going to shake every couch cushion and get every dime and dollar out of every cash fund to make sure that we could save money. But for some reason, this cash fund, which is not currently being spent because the canal is going to be mired in litigation, this cash fund is off limits. And I guess I don't understand that. I agree with Senator Jacobson that we need to be doing forward investment. I think we should be thinking not 1, not 2, but 5, 10, 15 years down the line, but where that then falls flat is when we're talking about investments in things in this state that we know are going to help the state, like behavioral health funds, mental health funds, affordable housing funds. We continue to cut those funds. We are slashing essential services. We're talking about counties and cities needing to tighten their belts. We're taking in Revenue and in Appropriations about cutting back our budget, trimming the fat. We hear that over and over, but when you look at a \$570-plus million cash fund sitting in a piggy bank, we're unwilling to touch it. And that's irresponsible. It's irresponsible to the taxpayers and it's irresponsible to Nebraskans who deserve better of us than wasting their money and letting it sit there and instead want to make up our budget deficit on the backs of everyday working Nebraskans and asking them to spend more money on food and asking them to spend money on services. So, Nebraskans, when you are frustrated about why we are asking you to pay more taxes, know that there is this money available and we as a Legislature can and should do something about it. Thank you, Mr. President.

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

STROMMEN: Thank you, Mr. President. I just wanted to stand up and discuss this a little bit. We really don't have many natural resources in this state. One of our largest natural resource is-- really our only natural resource is water. And, most certainly, our most important natural resource is water, and I think that we should be doing everything we possibly can to protect that resource. I just wanted to read the fiscal note on the Perkins County Canal issue that was brought to the Appropriations Committee, and it's just a short little blurb here: The transfer of funds will effectively end the Perkins County Canal Project as permitting agencies and other compacting states will view the project as speculative, having a low probability of being completed and will not expend time or resources on review. As a result, all design, land acquisition, and legal efforts by Nebraska should be wound down in the interest of fiscal responsibility. So as per our Fiscal Department, they feel that if we pull any money out of that project, it will kill the project. We've already committed millions of dollars to this project in not only land acquisition, but in surveys and in permitting. And to put us further in a hole by pulling more money out of it, I actually see is far more fiscally irresponsible than keeping that money in there. And this, this water, about 7-10% of this water finds its way down here into Lincoln and Omaha. So folks in Lincoln and Omaha should be happy about that. The majority of this water is being used for agricultural purposes, which is one of our largest revenue drivers in the state and to turn around and try and pull water out of one of our most important industries, I think again would be egregious as well. So thank you very much, I appreciate the time.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Just a, a quick point before I continue some of the reasons that I'm in favor of FA117 and remain opposed to LB317 are as follows. And just, just a quick process point. I think to my friend Senator Strommen's contention, he was pulling up the fiscal note on my friend Senator Raybould's bill that was pending before the Appropriations Committee. I think that was a much more comprehensive, robust approach to revisiting this issue than is present before you in FA117. So just wanted to make sure there was clarity and precision in regards to, in regards to that component of the debate, because I think the fiscal

note on Senator Raybould's bill is very different, both in terms of fiscal impact and project impact than what you have before you in FA117, but I understand it's generally related, but it, it, it may not be that instructive to the specifics of this debate. The other pieces that I wanted to continue to lift up were a, a few other cautionary tales. So there was a lot of big thinking and big ideas around kind of brushing off this long-standing idea to create a big lake between Omaha and Lincoln and enhance outdoor opportunities, recreational opportunities, tourism opportunities. And there was a task force created. There were significant amounts of appropriations put aside. And, again, while I think it's a good thing to be creative and open to new and big ideas, I think it's also important to be thoughtful stewards of the taxpayer dollars. And after that proposal moved forward, you know, where we stand today is that essentially, we've clawed back many, if not all, of those remaining appropriations in relation to the big lake. And what we have to show for that work is that we expended millions of taxpayer dollars on consultant studies that showed us what we already knew, that the lake wasn't feasible. And so that's another cautionary tale on some of these large capital projects that I think is instructive and we need to take a look at. Additionally, Senator Raybould is right, there's great information on the department's website about the status of this project, but it also asks you to look at very recent headlines, including those emanating from the North Platte Telegraph just in March of this year, which provided an update on the Perkins County Canal Project and said that we are more than a year out on siting for the project's path. And that there's a significant yearslong process in place for the federal permitting and regulatory process. Of course, there's questions in regards to the utilization of eminent domain along the path. And I, I just wanted to point out that while a project of this scope and scale is always going to have to clear a lot of legal and regulatory hurdles, we're a long, long way from fruition on any of these, these key milestones. The other thing that I think is really important to point out in this regard is when it comes to issues of water litigation, in general, and looking at the past experience that Nebraska has had in regards to complex water litigation, we've, we've learned a lot of important lessons through the-- through those processes. And on LB317 itself, a contingent of water law experts and lawyers came forward to the committee and said, please do not move forward with this merger. The existing agency structure, statutory structure, regulatory structure, was a benefit to the litigation process and posture that Nebraska had available to it in recent water litigation and they did a comparison and a contrast to how these

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structures and agencies and experts are situated and structured in our sister states and why that was from their perspective more-- less beneficial to other sister states in pursuing their state's legal interests and protecting their water.

KELLY: That's your time.

CONRAD: Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I get back on the mic just to correct something Senator Jacobson said. He said that he was correct in saying that the solution, assuming he's saying that my solution was to just let everybody out of jail or prison. I did not say that. What I said was that LB50 is constitutional, which means 1,000-plus individuals are eligible for parole. It doesn't guarantee that they get out of prison. It also means that they're on parole. That don't mean that they are walking out of the gates without any type of restrictions or stipulations about their release. So it's not just, it's not Senator McKinney standing up saying just let everybody out with no stipulations. That's not what I said. So I'll, I'll respond to that. Would Senator Jacobson answer a question, yield to a question?

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

JACOBSON: Yes, I would.

McKINNEY: Senator Jacobson, you mentioned that the Nebraska State Penitentiary is in such disarray that we need a new prison. Have you ever visited the Nebraska State Penitentiary?

JACOBSON: No, not as an inmate or otherwise.

McKINNEY: So how do you know that?

JACOBSON: How do I know that, all the reports I've heard.

McKINNEY: But you don't know that [INAUDIBLE]?

JACOBSON: Well, I heard some of the reports from you.

McKINNEY: Oh, but--

JACOBSON: Should I not believe that or--

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McKINNEY: I didn't say it was in disarray.

JACOBSON: OK, all right. Well, this, this is a old-- I think it's the oldest prison, active prison in the United States.

McKINNEY: So I will respond to that and say I brought two amendments, two budget bills multiple times because of that argument that is-- it is in such disarray that we need a new prison that upon the construction and opening of the new prison that we demolish the, the complex, the, the Nebraska State Penitentiary, because the buildings are so bad.

JACOBSON: My, my understanding is--

McKINNEY: And you know what happened? You and others voted against it. Why is that?

JACOBSON: Well, my understanding is there are buildings within the complex that are much newer, but the exterior complex is, is what's a problem and, and, and so to be used as a primary prison, but it could be repurposed for minimum security, some other uses rather than maximum security prison. That's why I voted the way I did.

McKINNEY: Well, most of those buildings are not 100 years old. They were kind of built in the late '80s or early '90s.

JACOBSON: I agree. I agree.

McKINNEY: In early 2000s.

JACOBSON: I'm not arguing that.

McKINNEY: OK. And, and, lastly, you know, you, you also mentioned about money, interest money, going to north Omaha. I don't know why you brought that up, but you did vote for that two times. So if you felt some type of way about it, why did you vote for it?

JACOBSON: Because it was a package of many other bills that I supported. So in Senator Wayne's fashion, you take a bill like that and tuck it into a, a Christmas tree bill that forces you to vote for the entire package even though you don't like parts of it.

McKINNEY: That's your philosophy. If it's something bad, you shouldn't vote for it.

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JACOBSON: Well, there's, there's-- one of my bills was in that as well, and I didn't feel like I could vote against my own bill that was in the package.

McKINNEY: OK, but, lastly, I, I need you to understand when you talk about forward investment, the Economic Recovery Act was for forward investment because the lack of investment in north and south Omaha for decades. And that bill and that legislation was for forward investment to make sure that we decrease poverty, invest in communities, so we don't have to spend money on things like prisons. So we can improve our educational systems, so we can improve our business environments. So when you talk about forward investment, it's not just about canals.

JACOBSON: But, but we've-- well, you said we've done this for decades. Where's the--

McKINNEY: No, I said a lack of investment. I didn't say--

JACOBSON: But where's the evidence that it's working?

McKINNEY: What-- a lack of--

JACOBSON: The evidence of working investments in north Omaha,--

McKINNEY: I didn't say investments--

JACOBSON: --where's the evidence it's working?

McKINNEY: --I, I didn't say investments have been working, I said there has been decades of disinvestment.

JACOBSON: Well, I'm-- I would suggest--

McKINNEY: There hasn't been decades, there, there hasn't been decades of investment because if it was, the community would look a lot different and our prison population, for example, would look a lot different.

JACOBSON: I would just say not everyone in prison is from north Omaha.

McKINNEY: Yeah, but when you look at the statistics, it's a disproportionate amount of people from, from the zip codes that I represent.

JACOBSON: I, I, I don't disagree with that, but I would tell you, poverty is all over the state.

KELLY: That's your time, Senators.

JACOBSON: Thank you.

McKINNEY: Thank you.

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

SPIVEY: Thank you, Mr. President, and good afternoon, colleagues. I have really appreciated this conversation just about investment and economic opportunity and creative decision-making. Because as I mentioned earlier today in my remarks before our lunch recess that this is a conversation that we have been having on the Appropriations Committee. And I, I have noticed since being in the body that there isn't necessarily a long-term comprehensive strategy around the bills that we're making or the implications. The budgeting process is wild to me. I don't think anyone would budget their business in this way, let alone billions of dollars for over a million people for a state, but this is what we have in front of us and I have hoped that we could as a body, one, have our own budget that we present and that we work through together. But really start to decide what type of creative decision-making we can do around our strategy. Like, what is important to us as people sent to represent our constituents? And when you think about what is a good return on investment for their tax dollars and how we are good stewards of the things that, again, create the good life for them, I have not heard an articulation around what does that look like. Instead, it's really project-based based on where people are from and what their districts are wanting. I have supported things in Appropriations that have nothing to do with north Omaha because it's good for the state. And when we think about how do you invest in folks and invest in the livelihood of people, those folks having what they need makes a difference for the state and, and that's what I care about. And so I think with this conversation, it has felt very binary around people not wanting to talk about it or that because this decision was made, a lot of decisions have been made previously that are being uprooted and dismantled. Things that were agreed upon in this body around investment are being taken away through cash fund sweeps, through changes in amending legislation and statutes, to repealing things even before ARPA boost and so there was even conversations around the changes of the port authority, that got brought up around 2 miles around why would this get ARPA funding if this was around a pandemic? And I would have argued the same thing, like if you have an issue with economic development and not

understanding what that looks like to address very fragile systems that are eroded by a public health crisis, then the same could be made for why do we have this money still in the canal? That's not my argument. That's the argument that has been presented on the floor. And so I think with the conversation today around Senator John Cavanaugh's floor amendment and then some of the updates with the bills that Senator Raybould brought, that it's an opportunity to think innovatively around how do we address not only our deficit, but move forward in a way that is fiscally responsible and does think about the sustainability of our state. And I don't know if those decisions that were made at that time honor where we are in this landscape and where we will continue to go. And so I would hope that folks would not just double down and make a decision without critically reflecting and thinking about what does this look like, what are the ripples, and have a conversation where you are challenged on your thoughts. We don't know any and everything and the opportunity in front of us is to really reimagine some of these decisions and create, and, and create a, a roadmap that really allows for Nebraska to be sustainable. If you look at the budget for the out years, it's close to a billion dollar deficit, and no one is talking about that. Folks are hyper-focused on the decisions right now and what they want, but not realizing the decisions that you make today affect the forward bienniums, the decisions that you all made in the last legislative session, which I was not a part of, are absolutely the reason why we see the deficit now. These were decisions that were made that are impacting us now, and we have to be able to reconcile that and challenge the way in which we are thinking and showing up. And so I am-- I look forward to continuing to have these types of conversations and thinking about how do we address the deficit and, and really prioritize key issues and opportunities that have a strong return on investment for our constituents, like investing in economic development, like divesting in our criminal punishment system, making sure that folks have affordable housing, what does workforce and childcare look like across the state, access to public health. These are the things that we really need to be focused on and prioritize within these smaller conversations about investments and where they're happening. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And, colleagues, I know we're getting a little bit late in the afternoon, but I actually think this debate is really helpful and really illuminating in talking about some

of the bigger issues when it comes to our budget. I think that Senator McKinney has made a lot of fantastic points about the prison and investments. And I've actually been very appreciative that Senator Jacobson and Senator Strommen have gotten involved in this debate to help us understand maybe different perspectives and to talk a little more about sort of the western Nebraska perspective, which is a different, different environment than what we're talking about here in Lincoln. My understanding is the early analysis of the canal says that for Lincoln or Omaha, you're talking 10% of this water hypothetically contemplated that's captured by the canal making its way to our people and our constituents. That doesn't mean we don't care about the entirety of Nebraska. We are senators for all Nebraskans, but we have to make sure that our investments are being, I guess, fiscally sound in what it is we're trying to do. I've been trying to wrap my head around the compact, and, you know, we've talked a little bit about what exactly is in that, and in looking at some analysis of certain legal experts, there's, there's some analysis where their understanding is that the treaty gives Nebraska the right to build the canal that can divert 500 cubic feet of water per second, but doesn't actually give the state the right to that much water. And so, you know, the reason I bring up the compact again is we're making all of these decisions based on a piece of very old law, it's an agreement between ourselves and Colorado, I think from almost 100 years ago. And I was wondering if Senator John Cavanaugh would yield to a couple of quick questions about that.

KELLY: Senator John Cavanaugh, would you yield?

J. CAVANAUGH: Yes.

DUNGAN: Senator Cavanaugh, you've spoken a little bit already today about the compact, and I think you've dived into this deeper than a lot of other people. Can-- what does it actually give us a right to with regards to the amount of water that we are allowed to pull into Nebraska?

J. CAVANAUGH: Well, that's a good question. So the compact, as it pertains to the 500 cfs, there's 2 bifurcations, right? So there's 120 in the April 1, October 15 period. And just like that, the 500 cfs gives us a right in time. So water rights are first in time, first in right. Or at least in Colorado, that's what it is. And so you have when you stake your claim, if there's, say, 100 cfs of water and your neighbor upriver has 50 cfs at, you know, January 1, and then you have 25 cfs January 2, and the person downriver has 50 cfs at January 1,

you-- they could call-- your downriver neighbor gets to call you out because your right is later in time than theirs. And it would dilute their amount of water. So they get to call out your 25 to make sure they get their full 50. So what the compact does is gives us the right for eminent domain, gives us the right to build a 500 cfs canal, or a canal to carry 500 cfs, but it gives us a right placed in time of the 17th day of December 1921 for 500 cfs. So that means all rights that are senior to that, meaning established before December 7 [SIC], 1921, can still take water until there's nothing left, but anything that is established after December 7 [SIC], 1921, is what we can call out. So if the water gets low, we can call out 100 cfs that's junior to us, or we call out 10,000 cfs that's junior to us to get to our 500, if that's what it takes. So it doesn't guarantee us water rights because there are senior water rights to that. It also establishes 35,000 acre feet reservoir that is specifically senior to this grant of right. So it doesn't guarantee the right to water, it guarantees us a right to call out junior water rights if we are not getting our water.

DUNGAN: Thank you. And I, I appreciate your answer to that question. And, colleagues, the reason I ask that, and I appreciate that specific answer, is because this is not simple. There's been a lot of conversation about what a simple compact this is and, you know, we get X amount of gallons of water and that's that, but it's, it's actually much more complicated and there are people who do this for a living who study water rights, teach water rights, and are water lawyers who are telling us that what we are basing our decisions off of with regards to the canal, to put it frankly, are incorrect. I think they are overly simplistic assumptions, and certainly I think they are some saber rattling of battles between us and other states, which I think scores good political points. But what I think we should be doing here in this Legislature is being fiscally responsible. And if I were to tell anybody back at home that we had all this money sitting there in this cash fund and we are unwilling to touch it, they would tell us that we are not trimming the fat in the way that we should. So if we are going to be looking at how to fill this hole,--

KELLY: That's your time, Senator.

DUNGAN: --I think this is a solution. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Seeing no one else in the queue, Senator John Cavanaugh, you're recognized to close on your floor amendment.

J. CAVANAUGH: Thank you, Mr. President. Thank you Senator Dungan for the question and clarification. And I am remiss because I hate jargon, you know, when somebody speaks in jargon and you just nod your head, cfs is cubic feet per second, which is a flow rate, so how much water is moving through a space. That's how we measure water in the river flow. There's also acre feet, which is a volumetric measure of how much space it takes up. So, OK, so FA117 is a compromise to my AM1133. FA117 takes \$61 million out of the Perkins County Canal Fund and puts it into the General Fund. So it will help us bridge our gap here. And what that \$61 is, is the difference that Senator Brandt says, the experts say, between-- the cost between a 500 cubic feet per second canal and a 1,000 cubic feet per second canal. So I have always maintained that we should appropriate money for a 500 cubic feet per second canal and not more than that. I've maintained that we should follow the letter of the, the compact and that we should be fiscally restrained. I call it-- we don't-- the Cadillac canal. I said we don't need a Cadillac canal. And I appreciate Senator Dungan, Senator Conrad, and others adopting the Cadillac canal phrase. I think we need an economy canal. We built this canal when Senator-- or we appropriated the money for this, as Senator Moser said, when we had the money. And we may never have the money again. We don't have the money now. So this money is sitting in an account, accruing interest that we have moved to other places. But it is just sitting there. So we can take \$61 million out of it. And if we do that, there's still \$513.5 million in the Perkins County Canal Fund that are there to build a 500 cubic feet per second canal and reservoir as well. So we'll save all of that. So we don't need a, a bigger canal because if there is more than 500 cubic feet per second in that period of time, it can go into the river. And as Senator Strommen said, 5 or 10-- 7-10% of that water reaches Omaha and Lincoln, which, of course, means that not very much of it goes out of the state, but we could, of course, pump more water into other reservoirs along the way as well. But we can save that water, we can use that water if in those rare instances where there is more than 500 cfs, 500 cubic feet per second in those October to April months. So what I'm saying is we are at a point where we cannot afford to buy the Cadillac version of something, we are at a point where we need to have the economy version. When you go to your constituents and you explain to them whatever your votes are going to be on the budget, whatever your votes are going to be on tax increases, or the tax shifts, or the clawbacks, or whatever you want to call them, you need to be able to explain to them that-- how you voted on this, which was either to take the additional \$61 million that we do not need to spend at this point in time and put it into the

budget so we don't have to raise your taxes or you chose to put in the \$61 million because there was a lot of people who were very upset that we were trying to shrink the size of a canal or to not pay for the Cadillac version. So we are trying to be fiscally conservative. All the way along here I've been trying to be fiscally conservative as it pertains to this canal and said let's only spend the exact amount we need to get what we are entitled to, which is to establish our right to the-- to call out those junior water rights in those early months to, to establish the transport of that 500 cubic feet per second. It does not prevent us from getting more water than that. It does not prevent us from getting the 500 cubic feet. It does not prevent us from getting the 120 during the summer months. It perfects our right. It saves us money. It helps us fill our budget shortfall without spending money on something we don't need. And it has the added benefit, and I'll probably get to talk on my next one about this, but it has the added benefit of putting us in line with a compact which puts us on stronger legal footing in the litigation about eminent domain in Colorado. So I encourage your green vote on FA117 to save \$61 million for the taxpayers of the state of Nebraska and still get a 500 cubic feet per second canal and a reservoir in western Nebraska for the constituents you have out there for the farmers, the ranchers, for irrigation, for the future of Nebraska. We will still get all of that water, but we'll save \$61 million. So green vote on FA117, save \$61 million. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, the question is the adoption of FA117. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 29 nays, Mr. President, on adoption of the floor amendment.

KELLY: The floor amendment fails. Mr. Clerk. Returning to the queue on AM1133, Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. Senator. I'm going to make-- or President. I'm going to make this quick. I just appreciate that people got into the discussion today on LB317. That was my intention with slowing down the conversation at the start of the day. I think merging two state agencies is something that we should be deliberating about, and I'll yield the remainder of my time to the chair.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator John Cavanaugh, you're recognized to close on AM1133.

J. CAVANAUGH: Thank you, Mr. President. So everybody voted against that one. I get it. You want to save the \$150 million. That's what this one does. So I mean, I'm on board. I'm pro. We can save an extra \$90 million here by voting for AM1133. The last amendment was \$61 million. That was my compromise with Senator Brandt, even though he was not seeking a compromise, but based off of I listened and responded to his floor speech. And so I amended it to be \$61 million instead of \$150 million. But this is for-- to save \$150 million, even better, right? It saves us the original amount, which was the difference between the 500 cubic feet per second canal and 1,000 cubic feet per second. It changes in statute from stating that we're building a 1,000 cubic feet per second canal to stating we're building a 500 cubic feet per second canal, which as I have said, I think puts us in a stronger position when it does come to litigation in the state of Colorado about building the canal, about the eminent domain. It saves us money as we're looking for money. And be sure, if you vote against this, if you voted against the last amendment and you vote again this, this is not the last time we're talking about where this money is and, and the fact that it's tied up here. It will come up again when people are advocating for raising taxes on working people and small businesses. And we will talk about it again then. And you're going to have to explain the difference in that vote. When you voted not to take money out of a project that is being purposely overbuilt, purposely overbuilt, more than we need, spending more money on a project than we need to spend on it, and rather than take money out of that, you want to take it out of people's pockets and charge them more taxes. That is not conservative, friends. So this is a fiscally conservative approach, saving us money. I encourage your green vote on AM1133. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, members, the question is the adoption of AM1133. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 13 ayes, 33 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is not adopted.

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

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

GUERECA: Thank you, Mr. President. I move that LB317 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed, nay. LB317 is advanced to E&R Engrossing. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Judiciary, chaired by Senator Bosn, reports LB215 to-- excuse me, LB215, LB539 to General File, both having committee amendments. Additionally, your Committee on Revenue, chaired by Senator von Gillern, reports LB558 to General File. And your Committee on Enrollment Review, reports LB9, LB388, LB414, and LB613 as correctly engrossed and placed on Final Reading. Amendments to be printed from Senator Hansen to LB677, Senator McKinney to LB133. New LR, LR130 from Senator Ballard. That will be laid over. Oh, excuse me, Mr. President, one more item. The Government Committee will have an executive session today at 4:00 in Room 2022; Government Committee, exec session, 2022, 1:00 [SIC] today. That's all I have at this time.

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

CLERK: Mr. President, General File, LB89, introduced by Senator Kauth. There's a priority motion from Senator Hunt to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

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

KAUTH: Thank you, Mr. President. LB89, also known as the Stand With Women Act, is a crucial piece of legislation that aims to protect the integrity of athletic competitions and ensure the safety and privacy of women and girls in schools and state agencies. This is not a political issue. This is an issue of commonsense adherence to biology and the established protections for women and girls. And it is a bipartisan issue with broad support. The New York Times poll showed 80% of the country supports this legislation. There are several key reasons why LB89 deserves our support: biological differences and athletic performance. Scientific research consistently shows that biological differences between males and females can significantly impact athletic performance. LB89 acknowledges these differences and seeks to maintain the level playing field where female athletes can compete fairly. By ensuring that athletic competitions are organized based on sex, we can preserve the opportunities for girls and women to excel in sports and receive the recognition they deserve. There's a substantial body of evidence that suggests participation in sports can help women excel in their professional lives. Many successful women

credit their athletic backgrounds for helping them develop critical leadership skills. For instance, a number of women CEOs and executives were college athletes. The discipline, focus, and perseverance they developed on the field or court translated well into their professional lives. This is the original intent of Title IX legislation that passed 50 years ago. It is astounding that women are having to relitigate this discussion to hold onto these hard-fought rights. Everyone can play sports, but they need to play on their sex-specific or coed teams. This is about safety and privacy in facilities. LB89 also addresses the use of restrooms and locker rooms in schools. The bill aims to protect the privacy and safety of all individuals by ensuring that these facilities are used based on sex. This approach can help prevent potential situations of discomfort or vulnerability, particularly for young students who may feel uneasy about sharing intimate spaces with individuals of the opposite sex. No one knows the baggage that any individual carries with them. Forcing women to give way to having men in their single-sex spaces where there should be an expectation of privacy is wrong, full stop. Providing exceptions for males to enter female spaces will result in any and all males being allowed in. LB89 also provides clarity in how state agencies provide services. It provides direction to all state agencies to use sex as one of the factors to provide services where appropriate. One of the more important areas this needs to be established is our prison system. Across the country, male inmates are claiming gender dysphoria and being placed in women's prisons, causing significant harm to those women who have no choice or voice in the matter. I urge you to read the report, Cruel and Unusual Punishment. It identifies how in the federal female prison system, there are 15,000 inmates, 10% are male. Half of that number are sex offenders. That's why they're in prison. Women are being locked up with sex offenders and they have no way to escape. How can we as women allow that? This is also about supporting women's rights. Stand with Women is a testament to the ongoing fight for women's rights and equality. By recognizing and addressing the unique challenges faced by female athletes, LB89 reaffirms our commitment to supporting and empowering women. It ensures that the progress made in women's sports over the years is not undermined and that female athletes continue to have equal opportunities to thrive. Women's rights to privacy, safety, and opportunity should never be considered secondary to the wants of men. One person cannot consent for another. That's an important point to remember. This bill provides clarity and consistency. Clear and consistent guidelines for schools and state agencies to follow. This clarity can help prevent confusion and ensure that policies are

applied uniformly across the state. This is one of the principal reasons guidelines published by the NSAA were well-meaning but not effective. Each school district is allowed to implement the NSAA guidelines as they see fit, leading to confusion when different districts compete against each other. By having a standardized approach, we can create an environment where everyone understands the rules and expectations leading to a more harmonious and respectful community. The Nebraska Association of School Boards has worked on sample policies for schools. They've been a great partner in this. And it's important to remember that private schools that participate with public schools or associations are also held to this standard. Through many hours of discussions and consultation with my colleagues and attorneys and several organizations, there are a few modifications to LB89 that made it better. And I want to say thank you to every one of my colleagues who helped with this, who worked through it, some of them line by line, some of it were from the hearing. Good ideas were put into place. The first one, actually, during the hearing, Senator Hunt raised the concern that the phrase takes reasonable steps to ensure that no individual of the opposite sex is in a state of undress prior to entering the restroom was not applied to multiple scenarios or exceptions to enter a restroom or a locker room. That was a great catch, so I appreciate her helping me make the bill better. Senator Guereca had a concern with the phrase: shall not retaliate against any individual for reporting a violation of the section of related rules. Also a good catch, because there will be some people who try to weaponize this. So we inserted the phrase "in good faith" to make sure that someone who is reporting is doing so in good faith. Senator John Cavanaugh had concerns that using the word attestation to verify an individual sex for a sports physical would require the use of a notary public. And I do appreciate the fact that he's an attorney and was able to say that that is an actual term of art. That's something that lawyers use. We made the bill much better by replacing it with: student shall provide confirmation to such school or postsecondary educational institution of such student sex by means of a doctor's-- pardon me, by means of a form or note signed by a doctor or under the authority of a doctor. So no longer an attestation. Senator Wordekemper took a lot of time, and I so appreciate it, especially as a freshman senator. He went through line by line and worked with me on the sticking point. And for him the biggest part was how do we in state agency bathrooms, how do we monitor that? And I agreed that that would be difficult to do, so we removed that from the original bill. Senator Hughes was great. She had quite a few concerns about the collection of data. So in the original bill we were talking about data

collection, and she said, you know, that might actually make the bill more difficult because it's, it's adding another layer, a very good suggestion. Her best suggestion, however, was clarifying how a parent who has a disabled child is to handle the situation. So we put in a parent or-- gesundheit-- a parent or caregiver bringing a minor child or an individual with a disability that is of the opposite sex of such parent or caregiver into a restroom designated for the parent or caregiver's sex. Senator Prokop had a couple of concerns. One of them was making sure that these schools would actually comply. And that's where I worked with the NASB to get policies and, and make it available to the schools. And so Section 8 was put in saying that they will develop a policy specific to their school. And I think that's what's really important. Every school is to develop it based on what their needs are. We don't want the state mandating a blanket law. We want them to provide a framework and we want the schools to be able to figure out how it works best with themselves. Forcing women to share private spaces in sports is discrimination. One of the questions that frequently gets asked, is this really enough of a problem? The reality of that question is that discrimination is acknowledged, but the degree of that discrimination is what's at issue. So, colleagues, what's the magic number? At what point do we say, we're OK with this many women feeling embarrassed, feeling scared, losing out on things. We're OK with some women being discriminated against. And I would like to say that there is no number of women who should be discriminated against. My colleagues on the floor, the progressives, seem to feel that discrimination against women and girls is just fine as long as it's males who want to be viewed female want it. I do not agree. If one woman or girl is made to feel threatened, unsafe, or loses an opportunity, it is discrimination and by definition a problem. Ultimately, LB89 aims to strike a balance between fairness, safety, and equality. It's a thoughtful and necessary measure that reaffirms the rights of women and girls in Nebraska to opportunity, privacy, and safety. During the exec hearing, Senator John Cavanaugh made the, the assertion that this bill is Taliban-like, and I would invite anyone--

KELLY: That's your time, Senator.

KAUTH: Thank you, Mr. President.

KELLY: Thank you, Senator Kauth. Senator Hunt, you're recognized to open on your priority motion.

HUNT: Thank you, Mr. President. I wonder how many women in Nebraska feel embarrassed and scared listening to that. The hard-- you know,

the hardest thing about this job for me is coming in every day, showing up every day and knowing that our job today is not going to be to imagine the future. It's not going to be to build something better or take bold leaps forward or bring the future into being, which I think is what our job is. It's to try again to stop codifying discrimination at the state level. It's to stop the state from rereading the book of life from chapter one over and over and over again, never getting to chapter two. There's a whole crayon box of life, and you only want to use two colors. And I think that's embarrassing. I think it's boring. This state could be so much more. We have the people. We have values. We have potential. But we're squandering it constantly by sticking with the same old playbook, the same old talking points, and fear-based bills, based on fear. And it makes our state a laughing stock. It's hard to even have a serious debate about this because we aren't starting from a serious, a serious premise. It's not a serious idea. People who are in the middle, people who are confused. I mean, I've spoken to people in the last week who didn't know that intersex people exist, that this isn't another left-wing talking point to scare people about gender, that this is a real condition that people have and that this bill leaves them out of that. I'm speaking to you. I'm not speaking from within the experience of my own echo chamber or something like that. I'm not preaching to the choir, to like-minded people who might be here today or listening. And I'm not speaking to my friends who know a lot more about this stuff than I do. I'm speaking to these people in the middle who are coming from a place of not malice, but of true, honest, good faith ignorance. You just don't know. You just know what you're talking about. You really don't. We will spend a lot of time today talking about locker rooms and signage, but what we're really dealing with here at the end of the day is fear. Manufactured, weaponized fear. And I want to challenge you not to fall for it. We all want students to feel safe. But safety is not the same thing as comfort. You don't have the right to be comfortable. And discomfort isn't the same as danger, colleagues, Nebraskans. If you feel scared, that doesn't mean you are in danger. Trans kids existing in a restroom, in a fourth grade classroom, it doesn't hurt anyone. But forcing them out, singling them out, humiliating them, that does cause harm. We don't get to legislate someone's identity just because some people feel uneasy. Feeling uneasy and uncomfortable is not harm, it's not danger, that's not the same thing. That's not protection, it's oppression. It's oppression of other people who are asking nothing of us but to be left alone. Proponents say this bill is needed because some cisgender girls feel unsafe. But what you're describing isn't danger, it's discomfort. And

if your solution to someone's discomfort is to humiliate somebody, to isolate and endanger somebody else, you're not solving a problem. You're creating one. This bill is not the product of Nebraskans demanding clarity. It's not because schools needed a policy and they needed the Legislature to jump in and solve this for them. They're not confused. Colleagues, it's only a political distraction. That's it. It's a silly bill. Beyond General File today, we do not have to let it dominate our time. We don't have to cloud our judgment or distort what's actually happening in our state because this is not a real solution because we don't have a real problem. It's theater, and we should be embarrassed to be giving it the power that it does not deserve. Instead of talking about housing or health care or taxes or water, we're debating signage on bathrooms. Instead of investing in education, we are mandating a new layer of government bureaucracy for gender inspection and enforcement. Instead of protecting kids from real harm, we are creating phantom threats that aren't real and punishing real existing children in response. These are policies, colleagues, that are preposterous. It's the only word. Not just wrong, but ridiculously wrong. And they're designed to dominate public discourse. They're designed to suck all the oxygen out of the room. Look how that's been the case since Senator Kauth joined the body. The oxygen has been sucked out of the room by the gender cops and their ideology that has filled this body with things that are completely irrelevant to the work that we're actually called here to do. These policies are so outrageous that they force everyone to stop what they're doing and say, are we really talking about this? What are intersex kids? You know, we're having conversations that are, frankly, none of our business and do nothing to advance the success of our state or the success of people in it and are actually actively harmful. That's how bad ideas work. That's how movements against freedom distract and destabilize us. And, yes, sometimes they come dressed as, quote unquote, commonsense bills with soft language and slogans about standing with women and safety and fairness, but the effect is the same. They create chaos and confuse people where there was no problem before. They force us to waste our breath talking about why the absurd is absurd, why the ridiculous is ridiculous, why this is preposterous, and they make us dumber, they make a stupider just by forcing us to engage with them. My heart breaks for the trans kids who want to play soccer with their friends without issue and who have been doing it their whole lives, who now have to learn the sting of exclusion from their communities and their teachers because of their government. They deserve elected leaders who will fight for them and mean it. The fact is that state senators are more dangerous to

children than their classmates are. We are doing more harm to kids than any other kid that these trans people are going to school with. So don't let fear-based, politically motivated panic distract us from the real work that we need to do. Don't mistake loud voices for widespread concern. If you find yourself feeling confused by this bill and you're thinking, well, maybe we should define sex in state law, maybe should make sure that the kids have the right pee-pee, po-po that they're supposed to go in the little closet to pee-pee. Really cool, mature work for government to be doing. Ask yourself who benefits from that. It's not kids, it's not educators or teachers or communities or schools. We need the courage to stop letting our work be distracted by culture war issues, and to do that, we need leadership that can't be baited. It's all performative. Today's Republican Party and GOP has zero interest in actual governance because it doesn't generate publicity and donations. That's it, and I could say the same thing about the Democratic Party in their own way. But this issue, they figured out that culture war wedge issues are easy to leverage and generate massive amounts of money. And all of this is performative. But the consequences are real. And the consequences hurt kids. And that's why we are forced to take this preposterous stuff seriously. But let's not give it more weight than it deserves. Let's not act like this is a reasonable disagreement between equals, that reasonable people can disagree on this. This is a manufactured crisis. It's a bad idea. And we should treat it from start to finish with the contempt that it deserves. I can't think of anything more vile and small and pathetic and embarrassing for all of you than terrorizing the youngest, smallest, barely any people, most vulnerable community of people who want nothing from you except to be left alone. You talk about like, oh, there's men going into the bathroom and harassing women. Well, then it sounds like you have a problem with men. Sounds like men are the problem, not trans women. You are ignorant. We all want students to feel safe, but remember, safety isn't the same thing as comfort, and discomfort isn't danger. In a society, in our pluralistic culture that we do live in, whether you ban DEI or not, we do. You have to learn how to deal with diversity. You have to learn how deal with people who are different than you, who don't conform to how you think they should act. And what this bill does is oppresses people who are harming nobody. And, you know, I look forward to the conversation about it today. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I stand in support of the motion to indefinitely postpone. And I stand in opposition to LB89 and wondering why are we here and why are we dealing with this issue? You know, in light of Pope Francis' passing and the profound impact he has left for those of faith and for those of no faith, you know, I, I truly reflect on his goodness and his kindness and his compassion and his advocacy for everyone and their differences and what has made them so beautiful in God's eye. He stood for an understanding of what is honest and real and not for some manufactured rule that, that tries to take away the dignity of a fellow human being. Our other faith leaders in Nebraska took out an ad as well for all our children. It says: As Nebraska religious leaders, we affirm the rights and dignity of transgender Nebraskans. All children deserve the same experiences of joy, friendship, and confidence that sports teams can provide. All human beings deserve to be treated with respect and given access to such basic decency as being allowed to use a bathroom. For all of our children, we stand opposed to LB89. You know, how did this become such an issue? And certainly I understand a lot of the inflammatory rhetoric that the current administration is spewing. But, really, this bill seems to be denying the right of transgender children to play sports, is denying them the right to exist. I want to point out that for-- since 2016, we have had clear and consistent guidelines established by the Nebraska State Academic [SIC] Association, NSAA, since 2016. They've had guidelines for all the schools to follow to provide confidential review of students who would like to apply to participate in sports that are transgender athletes. And since 2016, you would be surprised to know that 8 students, 8 students in 9 years have applied to be considered to participate in transgender sports. Out of those 8 students that completed the extensive application with the support of their parents, counselors, and their health care providers, and their teachers, only 6 of those students have been accepted to participate. So why are we going through this exercise? We have clear, consistent guidelines right now established by the NSAA. The NSAA gender participation policy is an effective means for schools to ensure equitable participation opportunities for all student athletes. As you know, the NSAA serves as a governing body for interscholastic activities in Nebraska and reflects the principles of shared and representative governance for all Nebraska districts competing in NSAA. And, certainly, I'm a Lincoln Senator, and Lincoln Public Schools has been fiercely supportive of all students in the Lincoln Public School System, and their long-standing practice of ensuring each and every student and their families that enter their schools has equal opportunity to take part in all school programs. We

have not, do not, and will not stand for or promote discrimination or indoctrination of any person for any reason. So I stand before you in opposition to LB89 as it is hurtful, harmful, and hateful legislation. You're devaluing our transgender children in our state by saying that you're abhorrent and that you don't matter. Having spent time talking to parents of transgender children, that could be the furthest from the truth. These children are amazing, they turn into amazing adults, and they should have every opportunity to participate in athletic sports just as every child has that opportunity to participate in activities and sports. And for that reason, I ask my colleagues to oppose LB89. Thank you.

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

HOLDCROFT: Thank you, Mr. President. I rise in opposition to the motion to indefinitely postpone and support LB89 and I yield the rest of my time to Senator Sanders.

KELLY: Thank you, Senator Holdcroft. Senator Sanders, 4 minutes, 50 seconds.

SANDERS: Thank you, Mr. President. Thank you, Senator Holdcroft. The Government Committee held its hearing on LB89 on February 7. We heard testimony from 132 testifiers. Every single person who was able to wait for their turn was given an opportunity to testify. We adjourned the hearing at 11:55 p.m. There was a lot of information to take in, more than 10 hours of testimony, and hundreds of pages of handouts. Senator Kauth worked with the committee on a couple different amendment versions. The committee provided feedback to Senator Kauth and she made changes and brought us AM701. AM701 better clarifies how medical assessment of a student athlete's sex would be communicated to a school or a league for eligibility purposes. With the changes proposed by AM701, a majority of our committee believed that the bill would be-- should be advanced to the floor for debate. When we again took the bill up in executive session, it advanced from the committee with AM701 on a vote of 5-3. Please vote green to adopt AM701 to LB89 and vote green on LB89. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of the IPP, and I do appreciate Senator Sanders' leadership on the committee,

it was quite impressive, the hundreds of people who came to testify on this bill and tell their stories. In the hearing, I'm on the Committee, obviously, I voted against advancing the bill. I favor the IPP. In the hearing, we heard lots of stories from families, in particular, parents of trans youth and some trans youth themselves. And I'll tell you when I think about this bill there are a lot of things I have problems with, a lot of concerns I have, but the thing-- the kids I think about the most are the kids who have been trans for years. I had the opportunity to listen to some families last night and heard about kids who knew when they were 2 and started kindergarten identifying as a female, and nobody that they go to school with ever knew them as any different. And I worry how this bill is going to affect those kids who are going to be forced out, who are going to be forced to use a different bathroom than the one they've used every year at school. Getting kids to participate in school, getting them, you know, to arrive in adulthood healthy, alive, safe, well-adjusted is a, is a big task, and this is creating an additional pressure and hurdle for those kids in particular. And so Senator Kauth did say in her opening, you know, how many is too many, or what's the right number for people who are harmed? I would ask the same question. What is the right number of these young kids who are going to be forced out? Who are going to have their lives upended, families who are thinking about leaving the state, moving, selling their business to, to keep their kids alive, to keep the kids in their life, to keep them happy. And so I worry about that when I think about this bill. But I'm on the committee, so I was there for the hearing, I have technical concerns. I did raise the one about the attestation, would have required someone to get, include for any sport, for intramural sports. I wasn't good enough to play real sports in high school. I did play intramural basketball. And this would require kids like me to get a doctor's attestation, which then would have been signed by a notary, to play intramural basketball at lunch, which is, of course, a step too far. But there is a lot of talk in this bill about bathrooms and about sports and both interschool and intraschool sports. But there's this one section that I talked about and I might only get this one chance to talk. In the original bill it's Section 8, in the new bill it is Section 9, and it says: Each state agency in the adoption and promulgation of administrative rules and regulations, the enforcement of administrative decisions and adjudications of disputes by administrative agencies shall define an individual sex as either male or female. So all of the hullabaloo about this bill, everything everybody's talked about has talked about how it's going to affect schools, how it's going to affect grade schools, K-12, colleges, how

is it going to affect bathrooms, and things like that? This section, I asked both the introducer, I asked the governor, whose-- at whose request this bill was brought, what this section means, what it does, what it hopes to accomplish? Did not get an answer. I think the only answer I got was from Senator Kauth where she said she thinks in DEE, the Department of Economic Development, DED, sorry, when they give out grants that are specifically, say for female businesses, that that's who they, they should only give it to the people who are defined as female in this bill. That was the only explanation that I got. This bill has broad-reaching consequences. It's going to harm people's lives in ways that we can't imagine. It doesn't have clear enforcement, which means it will lead to vigilantism, which is a concern. It's going to harm these kids. So, yes, people are going to stand up and say they want to protect one group of people, one group of kids, but they're going to harm catastrophically others, and they're going to deputize people to harm children. And I'm concerned about that. I'm concerned that people who introduce this bill don't fully reckon with what this bill is going to do, or at least they won't honestly tell you what they think it's going to or what they intend it to do. So this bill is still not ready. I'm opposed to this bill. I'm in favor of the motion to indefinitely postpone. I would certainly encourage everyone to indefinitely postpone this bill. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And, colleagues, I rise today in favor of Senator Hunt's indefinitely postpone motion and adamantly opposed to LB89. I just want to start today by, by saying we're going to hear a lot of things on the mic that are probably really upsetting to a lot of people. And at the end of the day, I think the fact that we're even talking about this here in the Legislature, that we are taking this time away from addressing the issues that I know many of us ran for office in order to address is a problem for a lot of folks. And I hear from constituents all the time that they're frustrated. That we're using our time in the Legislature to talk about this instead of the other problems. And so my hope is that we can address this problem today, that it can be done, and that we can move on to getting the people's work done, talking about the budget, talking about some of the other tax problems we have to deal with, and certainly dealing with a number of the other issues that have been brought up during the beginning of this, this legislative session. Since my time in the Legislature, I have had the honor of speaking to

a number of families who are affected by bills like LB89. I've had the honor to sit down with parents and other family members of transgender youth. I've had the honor of sitting and talking with transgender youth who are directly impacted by these bills. And I will tell you it's been a learning experience. I think a lot of folks in this Legislature are not malicious. I think there's a lot of folks in this Legislature who simply in the most true sense of the word are ignorant because this is an issue of first impression. This is the first time perhaps they've really gone deep into these issues. And let me tell you, it's not until you sit across the room from a family who is telling you the story about their adolescent child trying to take their life that I think you fully grasp the harm that we cause as a Legislature by even debating these issues. LB89 seeks to, I think, codify bans based on fear. And Senator Hunt did a fantastic job, I think, of, of highlighting the point that what we are operating under is not driven by data. It is driven by fear. And it is driven by similar arguments that have been made for time immemorial in order to separate one group of people from another. The idea that we have to protect people from this smaller group of people who maybe don't have as loud of a voice. The fact that we have to uphold some sanctity or virtue are the same arguments that I'm sure echoed in these halls when we were talking about segregation. These are not new arguments. These are old, rewashed, rehashed arguments that seek to prey on your fear instead of the actual facts. So let's talk about the facts. Let's talk about the fact that here in Nebraska, there is no problem. This is a bill that seeks to address an issue that does not exist. Let's talk about the fact that these prison populations that Senator Kauth has brought up, this is not a pervasive issue that we're dealing with in prisons. In fact, if you do want to talk about the facts, you can look at studies that have been done that show a transgender person who's incarcerated spends-- or is likely to be sexually assaulted 13 times more than a cisgender person. 59% of transgender prisoners are reported to have been sexually assaulted within one state alone. And those are just the people willing to talk about it. The facts do not support the ultimate issue at hand here. But what we do know is that if we pass LB89, the state of Nebraska, both at a state level, at a city level, and at a school level, is going to be mired in litigation. Look no further than Maine to see how much one decision can mire an entire state in litigation that is going to cost the taxpayers hundreds of thousands, if not millions of dollars, that's going to be drawn out over a number of years. I believe that if pass LB89, this Legislature is essentially inviting the problems that have been seen in courts across this entire state where judges have enjoined bills

like this and have blatantly said that bills like LB89 do discriminate, that there is not the sufficient argument to overcome the constitutional protection that people have. So, colleagues, please think about the consequences of LB89. Not only are you going to mire us in litigation as a state, but you are telling these kids and these families that they are different and that they are worse. And it does have an effect. I have talked to them, and I promise you that if we continue to have these debates,--

KELLY: That's your time.

DUNGAN: --it's going to hurt people. Thank you, Mr. President.

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

DOVER: Thank you. We're going to probably talk about a number of various viewpoints today, and, and I'm not going to wade into that one. And I just want to express some of my observations. I've had one son, three daughters, and two daughters were in track. And I think a lot of you probably in senior high-- we have a senior high in Norfolk and it has, like, we call it the wall of fame, to where-- excuse me-- if you won at state, you go on the wall of fame. So it shows all the different years, all the different kids that can look back, when I graduated in '77, I can see my kids there. And I had another daughter, as a senior, who-- I had one daughter, as a senior, who took third place in the 4x400. And another daughter, as a junior, who took the second place in the shot put at state. And I just wonder where they would have placed had someone who competed against them was not born a female. And I, and I, and I do have a concern. I mean, I just, you know, I, I care about my girls and I care about my granddaughters. My wife, I'm surprised we ever got married because she was extremely fast and I seemed that I did catch her. But she set a number of state records in Iowa in the 400 meter. And she, she talked-- we have conversations about this and that kind of stuff. And she, she fought-- she has fought for women's rights in sports, equal treatment, her whole life. And here we are and she cannot believe that in a number of magazines recently the woman of the year was a man. And, and for anyone to try to take this other direction, I don't know. I'm not-- I'm just simply expressing my experience with my daughters in high school. They weren't even-- my daughters weren't comfortable undressing in a locker room with, with their sisters or other girls so I don't know how we can say that these other things are fine. But, anyway, I just wanted to share some of my observations as a parent and

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a husband. I'll yield the rest of my time to Kathleen Kauth. Thank you.

KELLY: Senator Kauth, you have 2 minutes, 48 seconds.

KAUTH: Thank you, Mr. President, and thank you, Senator Dover. So we've, we've started hearing all of the kind of hyperbole and hysteria that we expect from the progressive left saying-- first of all, Senator Hunt saying this is not a real problem, yet Senator Cavanaugh saying there are so many. Which is it? Is it a problem, or is it not? Again, it comes down to that, how much discrimination is too much? When Senator Hunt said men are the problem, not trans women, trans women are men, period. You cannot change your sex. Changing the language does not change biology. When you talk about this being a fear-based bill, I keep hearing about how men who have gender dysphoria are afraid to go into the men's restrooms. So their fear is fine, but women who express the same fear about having men in their restrooms don't get the same consideration. That is appalling. It is appalling that we think it is OK to infringe upon the rights of women. Let's see, who else? Senator Raybould said why are we dealing with this issue? We're dealing with this issue because this is something that is going around all over the place, the entire country. We are actually kind of slow on the uptake for this. There are 25 other states that have passed this bill. And I will tell Senator Dungan that the Nineth District Court, the Nineth Circuit Court, unanimously upheld Idaho's bill. And it is almost identical to ours. So I have no fears that this will be upheld. Maine is being sued because the Governor of Maine has said we will not abide by an executive order that protects women. They're deliberately saying we don't want to do that. Now their school districts are saying hold on, we would really prefer to look at this and, and pay attention to this issue. So saying this claim that this is something that we should not be dealing with, we are here to deal with the difficult, difficult problems. When cultural issues come up and they infiltrate throughout our state, our schools, our sports, we need to make sure that we are addressing that issue and being told, well, that's a cultural issue, you shouldn't deal with it, or it doesn't affect too many people, that is wrong. Again, this bill is about standing up for women's rights, saying that women should not have to stand secondary to a man who believes he's a woman and should not have to share their bathrooms, their locker rooms, or their athletics. You know, this bill provides for accommodations to be made because there are people who are dealing with difficult situations.

KELLY: That's time, Senator.

KAUTH: Thank you, Mr. President.

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

LIPPINCOTT: Thank you, sir. LB89, the Stand With Women Act, is a bill that protects fairness, safety, and opportunity for our female athletes. This isn't about exclusion, it's about ensuring our daughters, sisters, and friends have a level playing field to compete, succeed, and shine. LB89 recognizes a simple scientific truth, biological males and females are different. These differences as outlined in the bill impact athletic performance in profound ways. Let's look at the evidence. A 2020 study published in Sports Medicine found that males on average have a 10-12% higher muscle mass and 15-20% greater strength than females, even before puberty. After puberty, testosterone surges in males, amplifying these advantages, and the study notes that male athletes can generate up to 30% more power in explosive movements like sprinting or jumping. These are not small gaps. They're game changers. Consider this real-world example. In 2018, a high school track meet in Connecticut saw two biological males identifying as female win first and second place in the girls 100 meter dash. The female competitors who trained tirelessly were left in the dust. One of those girls, Selina Soule, later said she lost an opportunity for scholarship and recognition. This is not fairness. It's a setback for women's sports, undoing decades of progress since Title IX. LB89 addresses this head on. It requires athletic teams to be designated by biological sex, male or female or coed. Female teams will be reserved for biological females ensuring they compete against peers with similar physical capabilities. The bill cites that testosterone suppression in males does not level the playing field. A 2021 study in the Journal of Clinical Metabolism supports this, showing that even after 2 years of testosterone suppression, biological males retain significant strength and speed advantages over females. This means that allowing biological males on female teams risk not just fairness, but also safety, especially in contact sports like wrestling or rugby, where physical disparities can lead to injuries. Now, some might argue that this bill excludes certain athletes, but LB89 isn't about shutting doors, it's about opening the right ones. Coed or mixed teams remain available for all, ensuring everyone has a chance to compete. The bill also protects schools from legal backlash, as everyone has the chance to compete. The bill also protects schools from legal backlash as Section 6

prevents complaints or investigations against institutions that hold these fair policies. This clarity shields our coaches and administrators, letting them focus on nurturing talent, not navigating lawsuits. Think of the stakes. In Nebraska, high school sports are a path to college scholarships, with over \$1 billion awarded annually across the U.S. for athletic achievements. Female athletes deserve an equal shot at those opportunities. LB89 ensures that a girl who trains relentlessly for her shot put throw or her 400 meter relay is not outmatched by a biological male's inherent advantages. It's about rewarding her grit, her sweat, and her dreams. Parents have watched their daughters practice until dusk, coaches have seen their determination, and athletes have felt the thrill of hard-earned win. LB89 protects that journey. It says to every girl in Nebraska, your efforts matter, your talent counts, and your future is worth fighting for. I urge you to support LB89, stand for our female athletes, together we can preserve fairness, uphold science,--

KELLY: That's your time.

LIPPINCOTT: --ensure that women's sports remain a beacon of equality and opportunity. Thank you, sir.

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

CLEMENTS: Thank you, Mr. President. I stand up in opposition to the IPP motion and in support of LB89. I'd like to read from a research paper from the Journal of Applied Physiology, entitled Evidence on Sex Differences in Sports Performance. Michael Joyner, Sandra Hunter, and Jonathon Senefeld from the Mayo Clinic, University of Illinois, University of Michigan, say this: There are profound sex differences in human performance and athletic events determined by strength, speed, power, endurance, and body size that males outperform females. These sex differences and athletic performance exist before puberty and increase dramatically as puberty progresses. The profound sex difference provide a compelling framework to consider for policy decisions to safeguard fairness in sports. This study shows why biological males should not compete with females. And that was my comment. Back to the article: With this information as background, we make seven statements relevant to the topic of sex differences and sports performance. First, biological males. As a group, outperform biological females in athletic events dependent on strength, speed, power, and endurance. In no sporting discipline that is determined by strength, speed, power or endurance are the performances of elite

females equal to or better than performances by elite males, including ultra-distance running, cycling, and swimming. Number two, the male-female performance gap is evident before puberty. Among the best prepubescent athletes in the United States, the male versus female performance gap is 3-5% in track and field running events, and 5-10% in jumping events. Differences in early childhood body composition indicate that at least some of the male-female performance gap among these children is due to intrinsic biological factors. Third, the male-female performance gap increases after the onset of puberty. The sex-based performance gap seen in children increased progressively during puberty and reached the adult level of 10-40% difference in later teenage years. Number four, the principal driver of the increased male-female performance gap in adults is the surge in testosterone among biological males starting during puberty. Testosterone is a known and powerful steroid hormone that makes skeletal muscles bigger, stronger, and faster. Number five, changes in the female body throughout an athletic career can contribute to the male-female performance gap by limiting training, performance, and muscle regeneration after injury. Anatomical difference in the lower extremity, such as wider hips, larger angle between hips and knees in females increase the risk relative to males of injury, including dislocation and instability, and anterior cruciate ligament injury in the knees. Number six, testosterone suppression among biological male athletes who have experienced puberty modestly reduces athletic performance, but a large male-female performance gap remains. Current evidence base shows that testosterone suppression reduces physical performance but there are retained legacy advantages for at least one year after testosterone suppression and several anatomical factors are largely unaffected by testosterone suppression such as height and limb length. Testosterone suppression among adults cannot change anatomical and structural advantage conferred by male sex hormones in puberty. Such as greater height and lung volume relative to females. Number seven, when biological females use testosterone after puberty, such as doping, and train for sports, their performance is enhanced, but the male-female performance gap does not close. We are not aware of any current female athletes on testosterone supplementation competing successfully against elite male athletes. Testosterone supplementation in female athletes is unlikely to erase the male advantage in sports performance. In summary, there are profound sex differences in human performance.

KELLY: That's your time, Senator.

CLEMENTS: Thank you, Mr. President.

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

MURMAN: Thank you, Mr. Lieutenant Governor. I stand up in opposition to the IPP motion and in favor of LB89. Today, I expect to hear much about biology, but biology is clear. Men and women, boys and girls, have distinct physical differences. I expect we'll hear much about differences in athletic records, but the records are also clear. Simply Google Nebraska athletic records-- excuse me, Nebraska-- Google Nebraska's school and track field records and compare boys and girls categories. These issues are settled. Everyone knows that male and female bodies are different. This is why we have separate categories for men and women sports in the first place, something women fought so hard for when Title IX passed back in 1972. So where is the public opinion on this issue? The New York Times ran a recent poll. Overall, 79% of Americans believe biological males identifying as women should not be allowed to participate in women's sports. Opponents of this bill do not have biology on their side to back up their argument. They don't have athletic records on their side. And, most notably, they don't even have public opinion on their side. Finally, some will say the NSAA and school board should have local control on the issue. But I would point out, did they have local control to enact when they enacted Title IX? Of course not. It was a federal mandate. Schools were failing to protect women and girls in 1971. So that's why Title IX passed. But they're also failing to protect women and girls today. So that's why LB89 should pass. And I was happy to hear about Senator Dover's experience with his daughters in track. I had-- my family had a very similar experience. My daughter, when she graduated high school, was third all time in the state in girls' pole vault. And at that time, boys were pole vaulting 2 to 3 feet above the girls, and that is still the situation today. When, when my daughter graduated, she was in Class B in track, and the girl that was third in, in the whole nation was also in Class B. So my daughter never did win a first place medal in the state track meet, even though she was even in the top 20 or so in the nation. But she never complained about that, and I don't, you know, if she'd had to compete against a biological male and come in second to the biological male, I don't think she would have complained about either because that complaining wouldn't be in her DNA, but I can guarantee you she wouldn't have been happy about it. For the remainder of my time I'm going to read something that was written 3 years ago by Congresswoman Virginia Foxx who represents North Carolina's 5th district in the United States House of Representatives and she was at that time the ranking member of the

Education and Labor Committee. She's now chair of the Rules Committee in the House. But even though this was written 3 years ago, it's still very relevant today, because, actually, Nebraska is at least 3 years behind in legislation to protect women and girls. So we're just debating what was debated, actually, back in 2022 in the House of Representatives. But I see I'm about running out of time, so if I get back on the mic, mic, I can finish what Representative Foxx, Virginia Foxx wrote because I think it's even more relevant today than it was back then. Thank you, Mr. Lieutenant Governor.

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

HARDIN: Thank you, Mr. President. I rise today in strong support of the Stand With Women Act. As we navigate the complexities of modern policy, we must hold fast to one simple truth, biological reality matters. And acknowledging it is not discrimination. It is common sense. This bill does not target, it protects. It protects the privacy, safety, and opportunities of young women and girls across our state. When a teenage girl enters a locker room or restroom or lines up at the starting blocks of a race or steps onto a court, she should know she's competing and sharing space with others who share her biological reality. That's not exclusion. That's fairness. This legislation is not new territory. Title IX, which opened doors for generations of female athletes, was built on the premise that sex-based distinctions are sometimes necessary to ensure equality. But, today, we find that premise under threat, not because we're moving forward, but because we are blurring boundaries that matter. The Stand With Women Act ensures that our schools and athletic programs remain places where girls can thrive without being overshadowed or put at risk by policies that ignore sex-based differences. It reaffirms that recognizing the uniqueness of men and women is not backward, it's the foundation of a just society. Let's be clear, this bill does not eliminate anyone's dignity. It simply affirms that equal opportunity sometimes requires separate spaces, and that acknowledging the differences between sexes is not bigotry, it is biology. It is fairness, and it is our responsibility. Mr. President, I'd like to yield the remaining time I have to Senator Kauth.

KELLY: Thank you, Senator Hardin. Senator Kauth, 2 minutes, 35 seconds.

KAUTH: Thank you, Mr. President, and thank you, Senator Hardin. I want to go back to something Senator Hunt said that intersex is left out of

the bill. That is completely incorrect. The definitions used in this bill were very specific. They were incorporate-- they incorporate as many of these what-if scenarios that the progressives dream up with. First definition for female. Female means an individual who naturally has, had, will have, or would have, but for congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes egg for fertilization, otherwise known as OVA. Male means an individual who naturally has, had, will have, or would have, but for congenital anomaly or intentional or unintentional disruption, the reproductive that at point produces transports and utilizes sperm for fertilization. Those definitions cover everyone, 99.98% of everyone is clearly male or female. The 0.02% who are not, who have differences in sex disorders or otherwise known as intersex, are covered by this definition. I wanted to say another comment about how Senator Hunt believes that kids who are dealing with gender dysphoria are in danger, but girls with boys in the bathrooms are not in danger. In 2021, in Loudoun County School District, a boy sexually assaulted a girl in the bathroom. He was wearing a skirt and he raped her. He had been moved from another school for assaulting-- sexually assaulting another female at a different school. The, the rate of prison, and to Senator Dungan's comments on prisons, sex offending among transgender prisoners. Males who believe they are trans commit sex offenses at four times the rate of the general prison population. And nearly half of the male prisoners who believe they are transgender are in prison for sex offenses, as compared to 12% for the general prison population. Women in prison are clearly in danger if a man who believes he is a female is put in their cell. This is about defending women's rights. This is about protecting women and girls, their privacy, their safety, their opportunity. It does not get any clearer--

KELLY: That's your time.

KAUTH: --than that. Thank you, Mr. President.

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

von GILLERN: Thank you, Mr. President. I've got a few prepared comments, but before I want to rebut something that was said a little bit ago. Senator John Cavanaugh talked about the attestation of a child's gender by a doctor in order for them to be allowed to participate in intramural or varsity sports. He mentioned the word

notarized as if that attestation needed to be notarized, and in my quick review of the bill, that is not the case. It says that a form must be signed, it must have a physical examination, must either be signed by a doctor or someone under the supervision of a doctor. So just wanted to add that for clarity. So now one of my, my other comments, I, I-- many, many, many years ago, compared to a lot of you, in 1976, I was a sophomore in high school and went out for the soccer team. I went to Burke High School, which had a state championship football team, Class A, and I wasn't big enough to play football, so I had played soccer and enjoyed that. But I was surprised to find out that the soccer, boys soccer team was a club, not a varsity letter sport. And that's when I first learned about this thing called Title IX. Due to the passing of Title IX in 1972, no new boys sports were allowed. New girls sports could, and only until they became equivalent to the number of boys sports could that be the case. So girls soccer was a varsity sport when I was in high school, but boys, boys was not. Of course, at the time, I didn't think that was fair. We had to buy our own jerseys, buy our equipment. We had a volunteer coach. We weren't fully funded, but I guess at 16, you think a lot of things aren't fair. Looking back through a 50-year-or-so lens, I, I have a different thought on whether that was fair or not, and I do believe now that it was. Before Title IX in 1971, the number of high school girls participating in sports, high school and college girls, was about 324,000 women. Today, that number is 3.5 million. That's a tenfold increase since Title IX. My daughter was-- the youngest daughter was one of those. She played volleyball from the time she was a young girl all the way through college and she enjoyed it tremendously and we also did vicariously. Before Title IX was passed, only about 1 in 27 girls played high school sports, and at the college level the disparities were even worse. Women's teams had no-- very little funding, no scholarships, no access to facilities. They were often considered an afterthought, if thought of at all. After the law passed, schools and colleges received federal funds, had to ensure equal opportunities for both sexes, which meant schools had to start offering more sports programs for women and increase athletic scholarships and provide equitable access to coaching, training facilities, and travel budgets. Title IX helped create role models, build confidence, and open doors, not just in sports, but in leadership, education, and beyond. And, again, I'll refer to my youngest daughter. I saw that lived out in her life, where she learned to be a leader on the court. And that has trans-- that has translated into leadership in the workplace and leadership in her family, which has just been a delight for a parent to watch. Let's be clear, Title

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IX is not just about fairness on the field. It's about equal access, equal respect, and equal investment. It challenged deep-rooted gender norms and redefined what women could achieve. In the words of tennis legend, Billie Jean King, a fierce advocate for Title IX, she said: It's not about getting a chance, it's about getting a fair chance. As we've heard already, and we'll continue to hear today, boys playing in girls sports negates that fair chance and puts our daughters and our granddaughters at risk of injury. I urge you to stand with women and vote green on the amendment and on LB81 [SIC]. Mr. President, I yield the remainder of my time to Senator Kauth.

KELLY: Thank you, Senator von Gillern. Senator Kauth, 1 minute, 10 seconds.

KAUTH: Thank you, Mr. President. Thank you, Senator von Gillern. I want to get back to some of the comments that our colleagues have said. So Senator Dungan had claimed that the suicide, there's a huge risk. The suicide claim has been proved demonstrably false. I would encourage everyone to go and review the Cass Review, which was a 4-year long study of gender treatments dealing with specifically identifying whether or not there is an increased risk of suicide. Senator Raybould had made some comments about the NSAA. The NSAA policy is not effective. They didn't want to support her bill that would have codified it. They refused to come and testify, which is one of the reasons she pulled that bill. The NSAA would like the Legislature to make the decision and enact it so that they can follow the state's laws. When we talk about some of the legal challenges, I'm going to go back to Idaho, this is a huge, huge deal. The U.S. Court of Appeals for the Ninth Circuit actually reversed its position.

KELLY: That's time, Senator.

KAUTH: Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise in support of the motion to indefinitely postpone LB89. This has been a conversation to listen to, to say the least. And I rise against it because I look at it and I've always thought about this from a human perspective, especially on bills like this. Are we doing things and are we trying to pass things that are going help to or harm people? And that's what I consider when I think about this bill, the harm that it will potentially cause. And

I know it is saying stand with women, but there are unintended consequences of this bill that have to be considered. And if we're human, we have to think about the humanity and the consequences of that. And that's why I'm against this bill because, yes, Senator Kauth might, Senator Kauth might want to stand with women and make sure women are protected, but at what cost are we doing that? And that's what we should consider. And I've heard the comments about athletics and girls and women in athletics. It's very interesting, you know, because I've been in athletics all my life, I coach, and not until, I think, 2020, 2019, girls were wrestling boys in the state of Nebraska. And I saw no outrage about girls and boys wrestling each other. There was no outrage. I also wrestled on a team with a girl who made the state finals. No outrage about this girl beating boys. No outrage. So I'm just trying to understand it. And I've seen girls rough boys up. I've seen girls beat boys in races. I've seen all of this, so this thing that men or boys are just that much superior to girls or women is interesting because I've seen girls dominate boys and men. And, you know, what also is interesting? I was thinking again, I think about Serena Williams, right, right? She was so dominant, people started to question was she a woman or not? And she was very dominant just because she was muscular. She's a black woman from Compton. And because she was so dominant in tennis, people began to question her gender because she was dominating people. And it goes back to humanity, humans. Are we doing things to actually help people or alienate people away from this state? You know, we all say we care about the future of this state and where it's going, and I've been a record of saying this all session. We've been working against the people of Nebraska since we started day one. Look at the bills that have been proposed. Look at bills that moved forward on this floor. They have been working against the people. We're supposed to be helping people. We're in a budget deficit. Our country is in turmoil and we're debating this. When homelessness is up in, in the state, and it's so many other issues like affordable housing, so many other things that really need to be addressed, but we're addressing this. And just think about the humanity before you vote on this bill. And I'm, I'm just kind of confused when people bring up women's sports. I've, I've watched sports a lot and I've seen girls dominate boys and I've seen women dominate men. So this, this whole advantage thing, I'm trying to really wrap my head around, because it's not, it's not that simple. And I think people are overlooking that. But more than anything, we shouldn't pass things that alienate people and discriminate against people no matter our intent. And that's what we should not-- that's what we, we should be voting against. Your motive

might be your motive, but at the end of the day, if it's going to make thousands of people in this state feel alienated, we shouldn't be voting for it. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. I rise in support of the indefinitely postpone motion and in opposition to LB89. I, I have a lot of thoughts prepared and collected about the failures of this bill. And I may or may not get to them, but I want to speak to some other things first. I want to speak to my friends and fellow parents sitting up in the balcony. The rainbow parents who have been on this awful, awful journey for several years now. And I have so much love for you all and I am so grateful for the support and heart that you bring into the Legislature every day. And to all of my friends up there that are being targeted by legislation like this, I hope you feel seen. I hope that you understand that you are loved and that you're worth fighting for, and that I'm not going to stop fighting for you. This is not an easy thing to sit through. This is not an easy place to be, and I know that it is hard for all of you to be in this space with us today, but you are seen by me, and you're seen by several of my colleagues, and you matter to us so much more than there are words for. I was thinking about that, about the fact that the whole queer identity is wrapped up in a rainbow. And being Irish, rainbows have specific meaning. And, you know, the pot of gold at the end of the rainbow, that a rainbow is something magical and mystical and beautiful and inclusive. And we are taught from a very young age to look for them and to be in awe of them. And it's really exciting when you see a double rainbow, because that's even more unusual and rare, and it's fleeting, and we have to take the time to acknowledge it and appreciate it. And so that is what it means to be a part of the queer community and the family around the queer community, is to take the time to recognize your beauty, your individuality, how special you are, that you bring beauty into this world, and that it is important and it means something, and it means so much to me. I, I was looking up-- I was through this bill, and I-- the intersex question has come up, and I read through the bill and I've read through the amendment that's proposed, and it does address intersex sort of. It addresses ADA accommodations for intersex. The intersex population in the U.S. is 1.7%. Trans population in the U.S. is 0.6%. So you are targeting twice as large of a population that has no control whatsoever over their sex at birth. And by no control, I mean they don't have a specifically assigned sex at birth. They essentially choose, or their

parents choose, what sex, or they maybe continue as a child presenting as nonbinary. But they don't have a determined sex at birth. So we are willing to legislate away their rights because of a population of people that we don't agree with existing. When we say things like men in women's restrooms when we're talking about trans women, men on women's sports when we are talking about trans women, that is us not acknowledging the existence of them. But you do acknowledge the existence of intersex individuals. But this bill, this bill requires an intersex person to go into a bathroom that has a sex identified to it when they don't have a sex identify to them. And that is a violation of their constitutional rights, their civil rights. It's more than that, and I'm about out of time. So I just want to say I love you all. I'm sorry we're here again. And as long as we're here, I'm here. And I'm standing on my floor mat from 2023, it's getting a lot of use this year. But for those watching that need to hear this, you matter, you're loved, you're worth fighting for. And I am not going to stop fighting for you. Thank you, Mr. President.

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

LONOWSKI: Thank you, Mr. President. Let me start with talking about the Taliban. In 2009 to 2010, I was in Afghanistan, and we faced the Taliban, and whoever brought up that LB89 is similar to the Taliban has absolutely no idea what the Taliban does. In fact, the Taliban does not tolerate or Afghanistan does not tolerate homosexuality or trans people in their country. I could go through the steps they go through to, to what they call cleanse their people, but that's not why we're here. I just want you to know the Taliban has nothing to do with this. Every person who has, who has spoke against LB89 has thrown out words like fear, lawsuits, and, yes, the Taliban. There's no stats, there are no factual data on what's been happening. There's no concern for the majority of people that would have to be in that locker room or in that sport. A few years ago, a few years ago, we started a program at the school where I taught and coached a girls wrestling program. Why would we start a girls wrestling program? Because the girls participating on the boys team were not winning much. They were getting hurt. They were not having success. It was a great move towards the rights of young women. We also had a problem with sharing space with the boys team at that point, so we started to practice in the mornings. I found that a few of the young ladies were not showering. Why not? Because they had enough decency, or at least they did not want to be seen without their clothing on in front of their fellow teammates. Now think about the door we're opening there. Let's

do a little bit of mathematics. How many girls suffer when a boy enters competitions? Well, there were two boys in one state, they were trans, and they had participated in track throughout their high school careers. They both participated in multiple events. They both took a lot of medals from girls, 93 times when a girl was denied an individual or relay championship because of these two trans athletes, 52 times a girl was denied the advancement to a championship meet, 39 times a girl was denied opportunity to advance to the finals, 17 times when a girl was denied an All-New England honor, 11 times when girl lost a meet record, 23 girls who were denied a state open-team championship. In other words, allowing boys to compete against girls denied girls opportunities and awards 235 times. And, actually, there are many other male athletes competing in women's sports. The Washington Stand found that 28 national girls or women's sport titles were won by trans-identified men between 2003 and 2022, with the trend accelerating in the last 3 years of that data. Here are some examples: darts, Noa- Lynn van Leuven won a darts competition at the Challenge Tour de Bu-- Debut [SIC]; volleyball, Tiffany Abreu was part of the team that won the 2022 Brazilian Cup; cycling, Michelle Dumaresq won the 2003 Canadian National Championship in downhill mountain biking; weightlifting, Laurel Hubbard won multiple Oceania and Commonwealth Championships along with a World Masters game title in 2017; swimming, Leah Thomas won a national title in women's swimming when she competed for the University of Pennsylvania; track and field, CeCe Telfer won an NCAA national championship in the 400 meter hurdles; bowling, Braeden Abrahamsen won a national championship in bowling; and high school wrestling, back-to-back state titles won by Mack Beggs, a biological male wrestling who won the Texas girls class 6'8", 110-pound division. Thank you, Mr. Speaker.

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

STORER: Thank you, Mr. President. I don't really have any prepared comments. I have a lot of thoughts. And I guess the first thing I want to make very clear is this is not a bill to attack anyone. This is not a bill about prejudice. This is a bill about hate. This is a bill that does what it says, standing with women. This is the bill about protecting women. And sometimes we can get really distracted and, and, and emotion can take us in a different direction, but there is nothing, there is nothing about my support for this bill that is rooted in hate or discrimination. We-- when I just-- when you just do a quick history of women's rights, and these are just a few highlights: 1848, first Women's Rights Convention; 1949, first woman

to graduate medical school; 1917, the first woman is sworn in as a member of the United States Congress; and it wasn't until 1920 that women had the right to vote; 1963, the Equal Pay Act was signed by President John Kennedy; 1981, Sandra Day O'Connor was sworn in as the first (female) Supreme Court Justice; 1993, Janet Reno, first female Attorney General of the United States; 1994, President Clinton signed the first-- signed the Violence Against Women Act, which provided funding for domestic violence and other gender-related crimes. These are just some highlights of how hard women have fought. I'm not here supporting, and I support-- I stand in opposition to the motion to indefinitely postpone, I stand in support of LB89, not because I hate anybody, but I stand here in honor of the women that came before me. I stand here in honor of my grandmother, who was one of the first women to graduate, not one of the first, but in that first sort of generation of women to graduate from the University of Nebraska. I stand here, on behalf of my granddaughter. I stand on behalf of the women yet to come. And we have fought hard for the rights of women to be represented as equal. This bill is about safety. This bill is about women saying, listen, I deserve the right to space that is shared with only those that have the same biological characteristics. That doesn't mean, that doesn't mean that someone-- I can't read people's mind, I can't judge them for how they feel, I don't judge them for how they feel, but there are basic biological differences that are visible without getting into too graphic of terms. But when I-- when you, when you just imagine-- I've had conversations secondhand, this was not firsthand, because the young lady was too embarrassed, but of a young woman here in Lincoln in high school that ended up quitting her sport because she was in the locker room on more than one occasion, not only being-- having to undress in front of a biological male, but on at least one occasion that biological male had an erection. And we can say that because that's a scientific term. And that's what happens. So if we can't talk about the reality of what we're dealing with and what we are forcing women to potentially be subjected to, she quit. Because there was nobody to go to for help and she couldn't complain, she would be ridiculed. This is about protecting women. This is not about hate. We cannot give up over 100 years of progress that we have made and it's not been partisan. The fights we've had to fight for women have not been partisan. It's across the board. So I hope that-- I appreciate the fact that this, this conversation has been civil up to this point. You are all seen, this is not about hate, this is not about hate.

KELLY: That's your time, Senator.

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STORER: Thank you.

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

HANSEN: Thank you, Mr. President. I just want to maybe kind of mention a couple of things, I think that have been mentioned on the floor here earlier. And a consistent theme I think we hear over and over again is that the idea of introducing legislation such as this is dangerous and children are-- have been harmed or are going to be harmed or are being harmed by legislation to address transgender issues in Nebraska. Whenever I hear that from the opposition, I would at least for them to at least provide some receipts. I know that sometimes issues such as this can be emotional and subjective in nature, but let's try to bring back some logical thinking and some objective arguments to this. When I looked at the last time the CDC statistics when it comes to suicide rates in the state of Nebraska, in 2022-- actually, in 2023, when we passed legislation to deal with transgender surgeries for minors, one of the major things we heard that whole time was that children were going to be committing suicide, teenagers will be committing suicide left and right. Actually, the suicide rate in Nebraska in 2023 when numbers came out actually were lower than 2022. We don't have 2024 yet, but we passed that legislation in early 2023. I would expect, if the law that we passed was a harm to those who are transitioning or couldn't because of the law we passed, we would expect suicide rates to go up. They did not, they went down. So the whole idea that it's dangerous, give us some objective data to prove what you're saying. Senator McKinney got up here and mentioned the idea of Serena Williams, he used her as an example, and the fact that she beat many men in tennis, and there was some concern about her gender, I don't remember that. I do remember one time, and it was in 1998, she actually played, her and her sister both played Karsten Braasch, who was ranked 203rd in, in the world. He actually beat Serena Williams and Venus Williams back to back in 1998 Australian Open. She then later, in 2017, said this: she changed her stance against-- Williams said she'd only stand a chance against someone who was way outside the top 100 on the ATP tour when they asked her about playing a man, she said I honestly think men and women's tennis are completely opposite. Men are just way stronger than ladies. I even had trouble reading my hitting partner, and he is not professional, although he would make a good professional player. It really is comparing apples to oranges. The idea I think that we have or the concern that I have, and I think many others, maybe, have voiced here, is not the idea of women playing in men's sports, it's the idea of men playing in women's sports. And

the danger that occurs there, not just with unfairness, but also the idea that there could be physical harm to females playing against stronger men. And so I think the arguments that we are making in favor of this bill are legitimate. I don't think we need to dismiss them, and this is a conversation that we don't need to have, and why are we having this conversation? I think this is a legitimate conversation to have because it is happening, and we need to address it, just like we do a whole host of other social issues in Nebraska. So this whole idea that we need to be-- that we're dismissive about what Senator Kauth is trying to do is unfair. We can talk about it, but, again, when we talk about and we're saying we're causing harm, bring the receipts. I'd like to hear them. And one other thing I think was mentioned was the, was the NSAA policy guideline. I noticed that the last time it was updated was in 2016. I thought unless somebody knows it's been updated since then, we tried looking and seeing. I might get the thumbs up that it was outdated. But I'd like to hear that too, just because we tried to look it up and I couldn't find it. But if somebody has information about that, I'd like to hear that as well. So with that, I'd yield the rest of my time to Senator Bosn.

KELLY: Thank you, Senator Hansen. Senator Bosn, 45 seconds.

BOSN: Well, thank you, Senator Hansen. I also rise in support of LB89 and in opposition to the motion to indefinitely postpone. I just really quick want to talk about the narrative that's been denying transgender youth the right to play in sports with their friends. And I, I don't think that's fair. I think this is about encouraging youth to participate in a way that's safe and fair. If an 8-year-old wants to play, we don't pair them against 12-year olds. And if a 12-year-old wanted to play in a league that was designed, a little league for 8-year-olds, we wouldn't do that. One, because it's not fair, but, two, because we would also be concerned about the safety of the other 8-year-olds. So I, I still rise in support of those-- the LB89. Thank you, Mr. President.

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

BOSN: Question.

KELLY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye-- there's been a request to place the house under call. The question is, shall

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the house go under call? All those favor vote aye; those opposed, nay.
Record, Mr. Clerk.

CLERK: 28 ayes, 0 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house under call. Senators Hunt and Armendariz please return to the Chamber and record your presence. The house is under call. All unexcused senators are present. Members, the question was, shall debate cease, and the vote was underway. Mr. Clerk, roll call vote has been requested.

CLERK: Senator Andersen voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick-- Senator Quick voting no. Senator Raybould voting no. Senator Riepe not voting. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 31 ayes, 15 nays to cease debate, Mr President.

KELLY: Debate does cease. Senator Hunt, you're recognized to close on your priority motion.

HUNT: Thank you, Mr. President. Colleagues, I want to spend a few minutes talking about something that keeps coming up in this debate around LB89, but that I have not received or heard an answer about, and that's enforcement. Supporters of this bill keep saying that it's

about setting expectations, that it is just about stating what the law is, what's common sense, what are people supposed to be doing, putting standards in place. But laws aren't suggestions or affirmations. They require enforcement. And if you're not willing to say how a bill like this will be enforced, then you shouldn't be pretending that it's harmless. Expectation of how people are going to act without enforcement is meaningless. It's just messaging. It's a political gesture. And in this case, it's a signal to your base, a talking point for the campaign trail, something designed to stoke more division and create more hostility among Nebraskans. And when we use legislation for messaging instead of good governance, we create serious unintended consequences for real people. So what happens when a student violates this so-called expectation? Oh, and another thing I'll say, all of this-- one thing that's perplexed me through this whole year of LB89 being in the air is that it's ostensibly about concern for girls. But there are trans boys, too, of course, and trans men, and there doesn't seem to be a lot of concern about their safety, you know, from the people who are ostensibly just worried about what's happening to women. So that's perplexed me through this whole thing. But what happens, for example, when a trans boy who looks, lives, identifies like a boy, you look at him, you think it's a boy, uses the boy's restroom and they were not assigned male at birth. Is he removed from school? Is he reported to the principal? Then what kind of obligation is that principal under? Are his parents under any obligation to disclose that their child was not assigned male at birth? Are teachers expected to stop him? Are other students expected to report him? Who are we empowering here to be the bully? Because right now, the government is the bully. Senator Kauth is the bully. But under this bill if it advances, if it passes, who then steps into that position to maintain the enforcement so that the bill is actually implemented? Is it the other kids who say, OK, well, now we got a green light from Senator Kauth to bully our trans classmate. So we're going to tattle and tell and, you know, make them feel unsafe. And then we do get into these issues around the mental health crisis that we have in our schools that our colleagues have either denied or brushed off or said, well, if trans kids don't want to have mental health crisis, they should just act like the sex they were assigned at birth. If trans kids want to play sports, they can play sports, they just have to play on the team of the sex they were assigned at birth. You guys can't be serious with that stuff. You can't be serious. If this body actually spelled out what enforcement looks like, ID checks, surveillance, discipline, I don't know what kind of genital detective behaviors you're envisioning, these reports based on physical appearance. You

know, one, one colleague said, well, you know a girl, you can tell when you look at them. We know that's not right. The cruelty of this bill would make it impossible to pass if you understood that. The cruelty of the bill is impossible to ignore. So, instead, you avoid the question. You say it's just about common sense. It's just making things clear. I know a woman when I see it. But what's clear is this, any attempt to enforce this law is violating people's privacy. It's violating their dignity and their autonomy. And it requires school staff to become gender police. It turns students into suspects. It encourages teachers to interrogate kids based on how they look, how they dress, what color their backpack is, how they walk, what the politics of their parents are, how they speak. You cannot enforce this law without causing harm to innocent people. And if your answer to that is, well, we trust schools to use their judgment, then what you're really doing is outsourcing the bullying. You're outsourcing the, the discrimination. And you're handing vague laws to local administrators who are not asking for this and daring them to figure out in real life what is between the legs of these children. It's perverted and disgusting, and it's not responsible governance. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Members, the question is the motion to indefinitely postpone. All those in favor vote aye-- there's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting yes. 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. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator 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 voting yes. Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von

Gillern voting no. Senator Wordekemper voting no. Vote is 14 ayes-- Senator Machaela Cavanaugh voting yes. Vote is 15 ayes, 33 nays, Mr. President, on the IPP motion.

KELLY: The motion fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Hunt would move to reconsider the vote taken on MO4 with MO185.

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

HUNT: Thank you, Mr. President. Once again, colleagues, if you believe this law is needed, you should be able to explain how it's going to be enforced, what enforcement actually looks like in practice. If you can't explain that, then you don't get to say that it's harmless or benign, because every law has a consequence. Every policy has an impact. And if this bill passes, it will not just sit on the books as a symbolic gesture of what we think women are and who we think is worthy of protection, it will be used, it will be enforced, and it may be enforced in a way that actually disgusts you. It may be enforced in a way that is more invasive and perverse and violating than you realize. It will be used to single out children who look different or act different, many of them who aren't trans. It will be used to humiliate students. It will be used to create a climate of fear in our schools, and every time a teacher or a student or a principal is forced to make a decision about who belongs where, if boys are on this side and girls are on the side, who's going where, what team, what bathroom, somebody will be harmed. And that harm is on us. We will be responsible for causing that. So, no, you don't get to say this bill is harmless if you can't explain how it's going to be enforced. Those expectations come with consequences. And the consequences fall upon the most vulnerable kids in our schools. And this is very few kids. And they are minding their business. They are not harassing people. And, again, it's preposterous and ridiculous that that point even has to be made. I also want to speak to something we all say we care about in this Chamber, which is the mental health of our young people. We are in a full-blown youth mental health crisis, and that's not rhetoric. It's a public health fact. Suicide is one of the leading causes of death for teenagers in Nebraska. Rates of depression, anxiety, and self-harm are much higher than any of us want. And these issues are especially difficult and pronounced for queer youth and for girls and these are students who are already navigating identity and security and pressure in a world that often tells them that they are not enough and that they don't belong. Now imagine trying to navigate

all of that while your State Legislature debates whether you're even allowed to exist and the adults in the room behind me will say no one is saying they can't exist, we're just saying we want to see what their pee-pee looks like. Do you understand the indignity and the humiliation of what this bill is actually saying in practice? We cannot pretend that this is separate from the mental health crisis that kids are facing, teens, kids in their 20s, it is the crisis. The crisis is the continued creep of government into people's business, between their legs, controlling what they can and can't do with their bodies. It seems to me like this theme of your body doesn't belong to you, your body doesn't belong to is a major theme of politics today, and certainly this Legislature in the last several years. Your body doesn't belong to you is a major theme in thinking and philosophy in the United States today. And this underpins so much from abortion to forcing kids to hug their relatives and say they love them. Forcing trans people and queer people to show up certain ways in certain spaces. We're saying that your body belongs to the state, or it belongs to God, or it belongs to your husband, or your boss, or your doctor, or your teacher, or your state senator. Your body doesn't belong to you. But, of course, we do say that taking care of your body is your responsibility and your responsibility alone and if you get sick or make a mistake then nothing is going to be there to help you. So we cannot pretend that LB89 is separate from the mental health crisis and the public health crisis that we are facing in this country. It is part of the crisis. Because when kids hear adults in power say that they don't belong, and let me tell you trans people and kids, queer, trans, gender nonconforming, curious, you do belong. You belong everywhere that everyone in this room belongs, including the bathroom. But when kids are impressionable and they hear from adults that they're supposed to trust that they don't belong, they believe them. When they see bills like LB89 advance, bills that define them, their personhood as disruptive or dangerous, we've heard the word dangerous so many times, they internalize that message. They carry that message into their classrooms, into their jobs, into their homes, into their private lives, their diaries. And for many of them, it breaks something in them that cannot be easily repaired. Many of us in this body know people who have been broken by Senator Kauth and the actions of this body. These are not hypotheticals, these are real kids in our schools, in our states, who are brilliant, thoughtful, creative young people who are doing everything we ask of them. They're showing up, learning, trying to be themselves in a world, in a state that hasn't made room for that yet. And instead of supporting and listening to them, we call them dangerous and punish them. This is a betrayal of

our role as leaders. What kind of example are we setting when the adults in the room respond to children in crisis with exclusion instead of compassion? What do we think happens when we propose laws that target their very existence and then act surprised when those kids fall into despair? We say hope your parents have health care so you can go to the doctor and take a pill for it. It's not sustainable, it's not a way to run a culture or a society. I don't believe in it. If you are not helping kids, you are hurting them. There's no neutral ground here. So let's stop pretending that bills like LB89 are about safety or standards or rules or definitely not common sense. If it was about common sense, we would be listening to educators, to mental health professionals, to experts, to doctors, and they're all telling us the same thing. That biology is not binary, that kids are in a mental health crisis, and that this kind of legislation causes measurable harm. It isolates the people who are already isolated. It punishes people who are already vulnerable. And it tells every young person that there's something wrong with them simply for being who they are if they aren't cisgender and straight. And that's not public service, that's cruelty. Colleagues, we should be doing everything in our power to make life better for Nebraska's youth. That means investing in school counselors and making sure that kids can get a well-funded quality public education accessible to everybody, not surveilling them in the bathroom. It means providing safe spaces, which is I know what you think you're doing, but not at the expense of labeling kids as threats. In this hearing for this bill, which went until midnight, we had adults come in, and you know, I've been talking a lot about kids, but of course adults would be affected by this bill too. In state buildings, if you know a person is in a bathroom and they are perceived by someone like Senator Kauth to be in the wrong bathroom, then Senator Kauth might go tell a police officer and cause some kind of, what do you call it, like intervention, some conflict to occur, because someone like Senator Kauth would be so scared of who else is in the bathroom with her. And that's just not a type of fear that I relate to. If you're afraid of assault in a bathroom, that's already illegal. That's a different problem. But trans people are just trying to pee. I can assure you of that. Anyway, I was talking about the hearing, hearing went till midnight. We had maybe, I guess I don't want to misspeak, I think we had an hour of proponent testifiers, maybe 2 hours, much of it invited testimony, and then we had for the rest of the night, opponent testimony, and a lot of those testifiers were former military veterans, former teachers, health care workers, talking about how they don't fit the gender norm in some way. We heard from several cisgender women, you know, women who identify as women,

who were born as women who have short hair, who are very tall, who are muscular, and they about how they have been in bathrooms at times as adult women and been accosted because someone in the bathroom like Senator Kauth thought they didn't belong there and got scared for no reason. And that's exactly the type of culture that LB89 contributes to. It's pitting people against each other, where before there was no conflict at all. It's inventing a crisis when what we need to be doing is trusting each other and minding our business, not controlling each other's bodies, policing what we think is between people's legs. All I ask is that you wash your hands. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Guereca's name was dropped from the queue, you're recognized to speak.

GUERECA: Thank you, Mr. President. Good afternoon, Nebraska. I stand in support of the motion to indefinitely postpone and against LB89. So I campaigned for a little over a year, had thousands of conversations on doorsteps, at coffee shops, at restaurants, and I heard about a lot of concerns that my district had, making sure the schools were preparing our kids for life, making sure that the roads were paved, that people weren't speeding on 13th Street. They wanted to make sure that we were doing something about property taxes. They wanted to make sure that our safety nets to protect the most vulnerable are strong. That's-- those were the conversations that I had. I never once had someone say, gosh, there's just so many trans kids playing sports that it's dangerous. Now I could be misspeaking, but I believe the NSAA approved, it's less than 10, it's like 4 permits for kids, 6. That's, that's not a problem, that's not some grave threat to the moral fiber of our society. I think it's 11 college athletes, trans athletes in the NCAA. So what do we have here? We have a solution in search of a problem. At a time when we have a massive hole in our budget, we're shaking every cushion to find that spare change, where we have a mental health crisis that is in desperate need of actual solutions, that's what we should be talking about, folks. But, no, we're here talking about inspecting children's genitalia. That's all right. There's something that struck me, I was at the committee hearing for the ban on gender-affirming care for trans kids. And I'll never forget, it was a 16-year-old girl who said I am more afraid of getting assaulted by my teachers, my male teachers, than I am by my trans classmates. Couple weeks ago, I had dinner and someone said to me, do you really support this bill? And my answer was simple. The sign on the door is not going to stop someone who wants to do harm. It's just not. So we come, we debate, a little bit of political theater, but there is true harm being done. We're exacerbating stress on the most

vulnerable group of children in our state. That's who we're picking on. Well, I didn't run to be a member of this Legislature to pick on the most vulnerable group of children in our society. It's not how I was raised, it's not who I am as a man. Thank you, Mr. President.

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

DORN: Thank you, Mr. Speaker. Opposed to the motion to reconsider and to indefinitely postpone and indefinitely in favor of LB89. Just want to thank everybody today for, I call it, the conversation and listening to all-- everybody talk on both sides or both aspects of this bill. I think in my mind it's been a pretty good discussion. We've had some definitely difference of opinions, but also I think both sides have done a very good job of, I call it, painting the picture or bringing out some of the aspects of what this bill is all about. So with that, I wanted to-- more than Senator Ben Hansen did, I want to leave more than 45 seconds of time when I transfer time, so I will yield my time to Senator Kauth.

KELLY: Thank you, Senator Dorn. Senator Kauth, you have 4 minutes, 4 seconds.

KAUTH: Thank you, Mr. President, and thank you, Senator Dorn, for your generosity. So I need to address a few of my colleagues' concerns. So Senator Machaela Cavanaugh said that intersex people don't have a sex at birth. Well, that's nonsense. It's wrong. A child who's born with ambiguous sex characteristics still can have their sex identified. People who identify as gender dysphoric are not intersex. All intersexed people have a sex. And in the bill, there are ADA accommodations specifically listed for those people who are dealing with intersex disorders. It's under Section 10. Senator McKinney is clearly stating that women are less important than men when he talks about thinking about this from a human perspective, would this help or harm people? What is the humanity for the women who you are now saying, well, you're second-class citizens? And at what cost do we protect the women? So, apparently, he has a cost factor in this. There's no outrage about girls wrestling on boys' teams, and that is because it is the very basis of Title IX. Before there were teams for girls, they were allowed to participate on the boys' teams. They, that individual, fully understood the risks that they were engaging in. When you have a boy choosing to play on a woman's team, you have a different sort of impact. You have one boy who's deciding to play on the women's team which is affecting multiple, multiple women. Senator

Hansen stole my Serena Williams quote. She was very clear at saying that if she played against Andy Murray, she would be beat within 5 or 6 minutes. Now Senator Hunt's close on the IPP motion talking about enforcement, this has been part of our social contract and, indeed, part of our laws for decades, that there have always been sex-segregated spaces. It's only now with the push from these activists, pushing gender ideology, that we're having to reinforce those laws. The schools are given the ability to create the policies that best fit them. The fact that she thinks it's bullying to stand up for women, again boggles the imagination. There are accommodations that are made for people who are dealing with gender dysphoria, which is a real and very difficult mental health condition. The inflammatory language about genital detection checks, that's nonsense. She's asking us to believe that anyone who believes that they are the opposite sex is automatically not a threat, is automatically has the best interest of whoever is in that bathroom or locker room with them. I would like to know, do we have to hire psychiatrists to stand outside of every bathroom or locker room to determine if the person who is not of that sex can go in because they don't have any harm? At what risk are we putting women? And you're right, men do have a, a different risk profile. Men are not as at much risk from a girl coming into the locker room. However, when I first introduced this bill in 2023, I got a call from a Westside coach who said thank you because I am a male coach coaching male teams and we have a girl who thinks she's male. She's been given a private changing space but it made her feel singled out and so her parents came and they asked the principal to allow her to be in the boys' locker room. The boys were told if you're uncomfortable with this go to the other side of the locker room. They were inconvenienced and put in an embarrassing situation because one person wanted the access to what they have. So this does go both ways. The safety and security is much more in the women's locker room. Senator Hunt is completely denying--

KELLY: That's your time, Senator.

KAUTH: Thank you.

KELLY: Thank you, Senator Kauth.

KAUTH: Oh, am I up?

KELLY: Senator Kauth, you're next in the queue.

KAUTH: Awesome, thank you. Senator Hunt is completely denying the harm done to women and girls who are forced to share a private space with males. And I'm going to read you some of the parts of the Ninth Circuit Court. Let's see: Federal court found that forcing students to share restrooms and changing facilities with members of the opposite biological sex undermines the state's privacy and safety objectives and generates potential embarrassment, shame, and psychological injury. So what we're saying is that these women and girls should have to endure embarrassment, shame, and psychological injury. The District Court found these interests to be especially important for school-aged children who are still developing mentally, physically, emotionally, and socially. The Ninth Circuit found that Idaho did not even need to put on evidence showing that students face shame or embarrassment from undressing in the presence of members of the opposite sex. That phenomenon was easily corroborated by common experience. What that's saying is the Ninth Circuit Court, which is one of the most liberal courts in this country, agrees unanimously that it is embarrassing to have someone of the opposite sex in a locker room with you, that it causes psychological injury to have to have that experience. Last week I was fielding calls from parents, one here at Lincoln Southeast, one at Bellevue, about their daughters being very upset that there were boys in the locker room and bathrooms, and administrations that we're not doing anything to help them. Administrations that were saying to the girls, well, if you're uncomfortable, maybe you should go to a private locker room and change. Maybe you should be the one to make an accommodation because that boy wants access to your space. That is just this week. The fact that so many of my colleagues are so willing to dismiss women's rights, women's rights to privacy, safety, opportunity, to just say, you know what, don't worry about that. Because-- and, and I'm not sure who it was. Here we go, Senator Guereca said that the gender-dysphoric people are the most vulnerable of our society. What metric is being used? How do you determine who is the most vulnerable and is that what we actually have to do to say which parsed ideology, which individual is the most vulnerable, the most targeted? And is that what we protect or do we protect a broad base, put up guidelines, and make accommodations where necessary? It is, it is very discouraging. And, again, hearing from the female senators who are saying, yep, there's no problem, I have no concerns. You know, Senator Hunt guarantees that no one who is a male in a female locker room wants to harm anyone. I'd like to know how she guarantees that. Again, I point to these students in Virginia who were raped by a male colleague wearing a skirt. This is not just about safety. That psychological injury, that is serious. Most of us

remember our teenage years as not being great, difficult, body image issues, difficulty with puberty, difficulty with everything. And to then also add upon that a layer of infringement into our rights to have someone of the opposite sex in a bathroom or locker room with you, not to mention playing on your sports teams, that is absolutely-- it's ludicrous. I'm going back to the Ninth Circuit Court. The Ninth Circuit Court first found that the, the plaintiff's challenge to the Idaho privacy law was unlikely to violate the equal protection clause of the 14th Amendment. The equal protection clause requires that similarly situated persons be treated alike. Because the Idaho law designated bathroom use based on sex, Idaho had showed the law further important government interests, which ours also does. And that's where the federal courts found that forcing students to share the restrooms and changing facilities with members of the opposite sex undermines the state's privacy and safety objectives, generating potential embarrassment, shame, and psychological injury. The Ninth Circuit also unanimously rejected the plaintiff's claim that Title IX required schools to admit boys to girls' rooms. Disagreeing with the Biden administration's repeated arguments, the Ninth Circuit held that a Supreme Court case called *Bostock* did not require such a result. The *Bostock* decision has been used-- I'll continue that at my next turn.

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

FREDRICKSON: Thank you, Mr. President. Good afternoon or evening now, colleagues. Good evening, Nebraskans. I rise today in opposition to LB89, and I've been listening to the conversations and what's been presented as some of the goals of the bill. And, you know, I hope that we all in here certainly share the common value, I think what has been kind of discussed across the board, which is the belief in the inherent dignity and, and worth of, of every single person in Nebraska. And that certainly includes the trans community. They're our neighbors, they're our friends. And I believe firmly that none of us should be standing silent while any single group of people is dehumanized and villainized. I've heard a couple of folks say that this bill isn't about being mean or villainizing, but my question to that is, well, then what is it? What is it when you label an entire population of people as a threat or as a danger? That is dehumanization. That is villainization. I want to be very clear. I will always stand with all of my colleagues in here in the pursuit of justice against those who abuse or exploit women and children. I'm ready to support efforts to hold abusers accountable, to bring justice to families, and to protect the most vulnerable among us. But I will

not support legislation that uses the protection of women and children as a veil to target, isolate, and demonize an entire population of people. That's not justice, that's fearmongering, and it does not make anyone safer. If we're truly committed to protecting survivors, then let's begin by supporting bills like LB12, legislation that would extend the statute of limitations for cases of child sexual abuse. That's real action. That's where our moral outrage should be channeled. Instead, we're presented with LB89, a bill that takes the instinct that all of us have to protect kids and twists it into justifying the demonization of trans people. That is not the kind of leadership that our children need, and that is not the example that they deserve. To my colleagues, especially those who may not know the full history of the LGBTQ community, I would urge you to study it. Learn about the history of gender and sexuality over thousands and thousands of years. Learn about how gender and sexual diversity has always existed across many cultures, again, for thousands and thousands of years and learn about how much of the moral panic that we're seeing around this exact issue has been weaponized against others as recently as a few decades ago. Many of you in here probably remember a time when gay men were labeled as dangerous to share a bathroom with. Some of you may still believe that's the case. I would challenge you to ask yourself, is that fear grounded in fact or in something that you've been taught to believe? If you're standing here with the goal of protecting women and children, let's do that. Let's work together on legislation that targets real harms to these communities. And let's also reject the exploitation and dehumanization of a marginalized group in the name of that effort. Thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. Good afternoon, colleagues. I stand in support of LB89. Just a perspective from the athletic part of it. I would say, you know, when it comes to physicality, strength, as people reach puberty and beyond, their bodies change, boys become stronger, more physical. And I just, from my seat in the stands, I see that as being counterproductive to what Title IX was brought into play 52 years ago, what most of these women, grandmothers, children, and granddaughters coming forward will have to endure if they are subjected to play against biological males. We-- I could show you the data, it's all been told, so I'm not going to go into that. But I would just ask when you're voting on this as a parent, as a grandparent, as an aunt, uncle, do you want your kids to be subjected

to the physical strength of a biological male on the other side of the net, on the other side the court, on the next lane on the track. I have officiated sports for 41 years and I have not yet seen one player that wanted to play for second place. Kids start at a young age to adapt to volleyball, adapt to basketball, to be the best athletes they can and when they reach a certain point they expect to play against athletes of their biological nature. So with that, I will yield the rest of my time to Senator Kauth.

KELLY: Thank you, Senator DeKay. Senator Kauth, 2 minutes, 53 seconds.

KAUTH: Thank you, Mr. President, and thank you, Senator DeKay. I want to respond to Senator Fredrickson first. He said we should not be standing silent while any group of people is dehumanized. I would maintain that women who have men in their locker rooms and bathrooms in sports are being dehumanized. And when Senator Fredrickson says he will stand up for women all the time, please give me your definition of women. Because if your definition of women includes men who believe they are women, that is incorrect. Women is very, very clearly defined. So going back to the Bostock decision. So Bostock actually was about Title VII. And it was about hiring and firing. And there was-- the Biden administration has argued that if you don't use sex-- gender identity in school decisions, then you are violating Bostock. The Ninth Circuit disagreed. The panel held that Bostock does not apply to bathrooms and locker rooms. Unlike Title IX, the statute at issue in Bostock was not enacted pursuant to Congress's spending clause powers. Under the spending power, Congress may induce states to do certain things. Because spending clause legislation is essentially a contract, the Supreme Court has held that states must clearly be put on notice of the terms of the agreement. And with respect to Title IX, the federal government provides educational funding in exchange for the states agreeing to certain school-related conditions. The unanimous Ninth Circuit panel concluded that the states would never have known that they were agreeing to allow men into women's private spaces. As a result, Title IX did not prevent the states from protecting privacy in schools. The Ninth Circuit found that in 1972, when Title IX was enacted, the separation of these facilities on the basis of sex was so assumed that it did not merit special mention in the text of the statute. The Ninth Circuit got it exactly right. Neither the Equal Protection Clause nor Title IX require public schools to allow men into women's intimate spaces. Those provisions are meant to ensure that girls and women are equally protected under the law. So one of the things that I have-- in, in the course of this research, every time I, I research this for the next year and work on

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the bill and make sure that I get it, you know, as good as can possibly be, I'm digging into things. I'm finding out more and more information. It is shocking to me, some of the things that I have found out. One of my biggest questions--

KELLY: That's your time, Senator.

KAUTH: OK. Thank you.

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

WORDEKEMPER: Question.

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

ASSISTANT CLERK: 28 ayes, 0 nays to place the house under call, Mr. President.

KELLY: The house is under call. All those senators, please record your presence. All senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor, the house is on your call. Senator McKeon, Moser, Dover, Dungan, John Cavanaugh, please return to the Chamber and record your presence. The house is under call. Senator McKeon, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. Members, the question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 13 nays to cease debate, Mr President.

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

HUNT: Thank you, Mr. President. One thing I was thinking about on my drive in this morning is every morning, so I was thinking about the Pope, every morning we come in and somebody prays over us, somebody leads us in prayer. And in those prayers, the person usually asks to give us guidance from God, from Christ, from your conscience to do what's right. But every single day, I watch people in this body fail on purpose. And, yeah, I know we're all imperfect and God doesn't

expect us to be perfect and that's part of the belief and stuff like that, but to willfully fail over and over over to protect innocent people, do you ever think about that? Do you think about when you're standing in here during the prayer with your head bowed and then you know that at 7 p.m. you're going to vote to take rights away from trans people in Nebraska, the dissonance of that, from what your faith actually teaches to how you actually live it? You pray to be guided by Christ's teachings, and it's always Christ, it's never, you know, some nondenominational religious thing. It's always Jesus Christ of Nazareth. You pray to be guided by his teachings and then you come in here and you vote to do harm. You invoke the name of God and then you use your power to judge others. You say you're Christians, but then you vote for bills like LB89. So let me remind you what Jesus said. Well, let me remind you what Pope Francis said, actually. I know many of you are Catholic. I have the number and, and a roster in my desk because it's in the roster. But the Pope, a man who dedicated his life to Christ's teachings, and who Catholics believe to be infallible, mind you, these are things that he said about laws like LB89 and the people they target. Pope Francis said individuals must be accompanied as Jesus accompanies them, in the context of talking about trans people. He said no one should feel cast out of the church because any rejection comes from the people in the church, not from God. He said that in Christianity and Catholicism, the rejection of trans people, it comes from people, that does not come from God. So if you're trying to reflect the will of God in the spirit of, of your savior, rejecting trans people is not part of that. That's another human error that you're making. He said we are all children of God. God loves us for who we are and for the strength with which each of us fights for our dignity. Through his entire papacy, and when he was a cardinal before that, he remained in touch with this convent. I'm trying to think of the word the nuns are. This convent, that was a mission for transgender nuns, for transgender women. And he would write letters to the woman who ran the convent and ask how the girls are doing. He was affirming trans identity, even as, as a cardinal, even as, as the Pope. This is the model of Christian leadership that inspires me. And it should inspire you, too, because it's rooted in love instead of power and judgment. It's about mercy, it's not about punishment. I don't lobby any of you on these kinds of issues anymore. Sometimes people in the lobby say, oh, did you talk to Wordekemper? Did you talk to Riepe? Did you talk to Hughes and Brandt? You know, the people who are perceived to be, you know, moderate, fair-minded folks in here. And I, I can't do that. I can't beg my colleagues to see people's humanity. Because if you need to be persuaded, if you need to be

convinced to treat trans people with basic dignity, to protect their safety, to let them peacefully exist and go to school, then nothing I say will change your mind. So I don't beg people to respect the rights of others anymore. I don't plead with lawmakers to treat kids like human beings, because it's a matter of principle. And if you vote yes on this bill, you are saying that you are the right person to cast judgment on these kids, on someone else's life. But every morning with what you pray, you're saying the opposite. Jesus did not ask you to be the arbiter of gender identity. He did not ask you to separate the unworthy from the worthy. In fact, he said the opposite, he said the last shall be first. He said let the little children come to me. He spent his ministry among the outcasts, not among the lawmakers. So you can think what you want, but it's all written in the Book.

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

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

CLERK: 15 ayes, 32 nays on the motion, Mr. President.

KELLY: The motion fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, some items quickly. Amendments to be printed from Senator-- excuse me, Senator-- no, I'm sorry Mr. President, notice of committee hearings from the Business and Labor Committee giving notice for a hearing. That's all I have at this time. As well as an amendment from Senator Kauth to LB534 to be printed. Mr. President, General File, LB89, introduced by Senator Kauth at the request of the governor. It's a bill for an act relating to public health and welfare; adopts the Stand With Women Act; and provides for severability. The bill was read for the first time on January 10 of this year, and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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

SANDERS: Just a second. Sorry, Mr. Speaker. I do not have the committee amendment. Senator Kauth, do you have the committee amendment? Thank you, Mr. President. The committee office [SIC]

provided Senator Kauth's office with exec and made further changes brought to us for AM701. The version clarified how a medical assessment of a student athlete's sex would be communicated to the school or a league for eligibility purposes. With the changes proposed by AM701, a majority of our committee believe the bill should be advanced on the floor for debate. When we again took up the bill for exec, it advanced from the committee with the 701-- with AM701 on a 5-3 vote. Please vote green on AM701 to LB89 and green on LB89. Thank you, Mr. President.

KELLY: Thank you, Senator Sanders. Returning to-- Mr. Clerk.

CLERK: Mr. President, Senator Hunt would move to bracket LB89 with MO5.

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

HUNT: Thank you, Mr. President. So, colleagues, if you don't want to look to scripture, you can look to the constitution. You can look through the framing documents of this country, the constitution, the Declaration of Independence, the Bill of Rights. Look to the principles that we are supposed to be driven by in our service here, liberty, equal protection, privacy, The right to live free from government interference in your privacy and your body and your identity. There is no public good addressed by this bill. There's no measurable improvement in safety, no benefit to schools, no policy win. This bill doesn't create prosperity. It doesn't protect anyone. The only reason to support a bill like LB89, provided that you're not ignorant, assuming that you're not just so uninformed and you're not listening to these 4 hours of debate and you haven't learned anything at all. The only reason to support a bill like this is to be nasty, to be an absolute, certified, straight-up hater because trans kids are not hurting anyone. Trans adults who want to use a bathroom in a government building, whatever, are not hurting anyone, they're just living, they are just trying to make it through the school day. And what this bill does is that makes it harder, more humiliating, more dangerous. Pope Francis met with transgender people. He embraced them. He called them by their names. And, yes, he used their pronouns. He wrote letters to nuns who sheltered them and referred to the trans women in those convents as, quote, the girls you care for. He invited those nuns to the Vatican. He made space for them at the Vatican. Do you think that the Pope, who once again I'll remind you, you believe is infallible, was wrong to allow transgender nuns to use the restroom at the Vatican? And if the Pope can do that, can do that, the leader

of the Catholic Church can set aside judgment and choose mercy, what is stopping you from doing that? What's stopping you? You like being nasty. You like being mean and cruel. And you think that you are the one who is the right person to cast judgment on children. Who are you to say that your discomfort is worth more than someone else's dignity? Who are you to use the state to tell somebody that they are wrong about who they are? You do not have that right. And if you believe in the teachings of Christ, you don't even have that responsibility. That is not your business and it's not your problem. They'll sort it out at the end in the pearly gates. And I like to believe what the Pope said, too, that I hope you're all up there and that hell is empty. We all want students to feel safe, but safety isn't the same thing as discomfort, and discomfort isn't the same thing as danger. Trans kids existing in a bathroom don't hurt anybody, but forcing them out, singling them out humiliating them does cause real harm. What this bill does is it asks us to legislate someone's identity just because people feel uneasy. And that's not protection, that's oppression. The solution to that type of feeling is the opposite of bills like this. It's more exposure. It's getting out of your little bubble in the world. It's meeting different kinds of people and realizing that we are not a threat to each other. If our definition of safety means making someone else less safe, then that's not safety. It's discrimination in disguise. We don't write laws to make one group feel comfortable by pushing another group out. And, again, a very, very small group of people. I want to respond to a justification that I've heard over and over again for LB89, and it's one that sounds compassionate on the surface, I get it. It's the idea that this bill is necessary because cisgender women and girls feel unsafe sharing locker rooms or restrooms with trans people. I hear that. I believe that people can genuinely feel uncomfortable. But discomfort is not danger. And feeling uneasy is not the same thing as being at risk. And, proportionally, it does not warrant a bill like LB89, which increases bullying, which legislates existence, and makes it harder for people who are just trying to get through their day. It's not proportional. Because someone is uncomfortable doesn't mean that we need a bill like LB89. This bill is asking us to treat one group's discomfort as a valid reason to create real tangible harm for another group. It's saying that because someone might feel uneasy, another student, in this case, a trans girl, or it could be a girl who just doesn't look sufficiently feminine, maybe have a-- looks like a bump in their throat, maybe a little flat chested, maybe short haircut, maybe very tall, maybe very muscular. It's saying that that person should be humiliated, excluded, and put in danger. I asked Senator

Kauth during the hearing of her bill, we've been in the bathroom before, right? Yes. Together? Yes. How do you know that I don't have a penis? You don't know that. And she acknowledged. She said, no, I don't know that. You, guys, she didn't know me growing up. She doesn't know what sports team I played on in middle school. She doesn't know if I transitioned in fourth grade. She could do a deep Google dive and find that out. But this belies the entire point. You're legislating stuff that you don't understand. She herself conceded and admitted that she does not know. What this bill would ask is that we self-police that if I have a penis, I go use the men's room. So let me know how all of you would like that. And if there is someone who any of you think don't belong in the bathroom that you're in, that then you're empowered to report that. And then that's what we're teaching our kids to do who are in school. This is such a step backward socially, intellectually, societally, culturally, it's embarrassing. We're not legislating based on evidence. We're legislating based on vibes. Does someone seem masculine or feminine? We're choosing fear over facts. Because the facts are there is no data, none, showing that trans people in restrooms increase danger to cisgender people. But there is data showing that trans students face higher rates of harassment, violence, and suicide when they are excluded or forced into the wrong places. So if you're truly concerned about student safety, then trans kids should be at the center of your concern. Here's what happens when a trans student is told they can't use the restroom with their peers. They hold it all day. They don't pee. They avoid eating. They avoid drinking. They stay home from school. They get bullied more. They shut down. And sometimes they don't make it through that pain. And, meanwhile, this bill gives cisgender students the message that their discomfort is not only valid, it's enforceable. That if you feel weird around someone, you can report it. In my day, if you felt weird around someone, you write about it in your diary and get over it. But now we've got this government state mechanism in place where kids can go reporting each other for what they think is between their classmates' legs. You can humiliate them. You can call them out and send them away, even if they're not trans. We know this will affect people who aren't trans. What does this teach our kids? It teaches them that inclusion is optional, that somebody else's identity is up for debate, that other people are who you say they are, not who they say they are. And that if somebody makes you uncomfortable, you get to erase them. But that's not how we make school safer. That's how we teach students to judge and stereotype and ostracize each other. You don't have to understand someone's experience to respect it. This is something that my dad actually struggled with for a long time. You

know, he would agree if he heard me say that, you know. For a long time he would say, you know, I love you, but I don't get it. And that's fine. You don't have to get it, you just have to love the person anyway. Maybe you'll get there someday. But as long as you love the person and you don't come to them with judgment, that's fine. You don't have to feel comfortable around someone. You don't have to, quote unquote, get it to treat somebody with dignity. And your personal discomfort should never be a reason to legislate away somebody's rights, dignity, and liberty. Who are we to say, who are we to judge, and who are you to say that your discomfort is worth more than someone's life, someone's dignity? Thank you, Mr. President.

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

JUAREZ: Thank you very much. Good evening, everyone online. And good evening to all of our wonderful guests that are here to be with us tonight. So it may work out that I only have this one opportunity to speak today. To be clear, I am against LB89 and I support the motion to indefinitely postpone. As a freshman senator since January 8, it is so disappointing to me to waste time on this topic. I am more concerned about supporting the voters' priorities, such as minimum wage, paid sick leave, and medical cannabis. Other important topics to my voters were property taxes and more affordable housing. What helps my sanity are the wonderful school districts in Legislative District 5. Omaha Public Schools, the largest in the state, and Ralston. Two school districts that welcome all the students who walk through their doors. The Nebraska School Activities Association has effectively allowed transgender athletes. There have been less than 10 transgender athletes statewide that have applied to compete since the standards came into effect several years ago. I have this article that shows Billie Jean King, Megan Rapinoe, and Candace Parker joined nearly 200 athletes in supporting trans youth participation in sports. There is no place in any sport for discrimination of any kind. The global athletic community grows stronger when we welcome and champion all athletes, including LGBTQ athletes. The message in this bill says that you are not welcomed. One question I have is who is the next group that they're going to want to exclude? Believe me, I doubt that it's going to end here. Let's all think about the potential of the economic consequences of this bill. Will the College World Series pull out of Omaha? Will medical residents head out of the state? Will certified doctors exit? Will other athletic events choose a welcoming destination? To me, the simple solution is to mind your own business. I'm hearing Senator Kauth discuss the psychological industry-- injury.

I'm hoping after the first session that I won't need 40 hours of therapy myself. I thought the title of this bill was amazing. Great marketing technique. I'm glad we can lay out the true reality of what this bill means. I want to encourage everyone to respect yourself and stay strong. I want to close by stating that I am proud to represent all the residents in my district. I accept everyone and will do the best job I can to be your voice on the issues and I yield the rest of my time.

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

ANDERSEN: Thank you, Mr. President. I rise in opposition to the bracket motion and in support of AM701 amending LB89. This is a commonsense bill designed to protect women's rights from being infringed upon by others. Some will say that this bill is unnecessary, but that simply is not true. To those who believe this bill should not go forward, I share the following testimony of events involving a Lincoln high school student and the actions taken or not of the principal of Lincoln Southeast High School. And I, quote, To the Unicameral, I am a mother of a 15-year-old daughter at Lincoln Southeast High School here in Lincoln, Nebraska. On April 9, 2025, I emailed our principal and superintendent regarding the fact that biological males are being allowed in the girls' locker rooms and restrooms and received a response from the principal that shocked me. For context, one particular biological male has repeatedly attended open gym for girls' volleyball and uses the girls' locker room to dress and undress. Another biological male student, who recently changed his name to a female name, has been using the girls' restroom. I want to point out that the school created private restrooms to accommodate comfort for all students. However, the biological males are using the female restrooms and female locker rooms, and the administration insists my daughter should be using the private facilities since she is uncomfortable. My daughter asked if there was anything that could be done to stop this, as she feels understandably uncomfortable with males donning male genitalia dressing and undressing in female locker rooms and using female restrooms. And, also, due to the fear of bullying and retaliation from other students, I wrote the principal and superintendent anonymously. The principal wrote me back to the letter copied below. While I was initially shocked to hear from my daughter that teenage males with male genitalia are allowed to undress in front of teenage females, I was completely dismayed by the principal's response to my concern that, quote, There are circumstances in which transgender students upon

completion of comprehensive and collaborative process may be permitted to use the restroom aligned with their gender identity, unquote. And as my-- as-- to my daughter, quote, We have restrooms and locker rooms that are private that any child is more than welcome to use to aid in the student and family's comfort level. So instead of the biological males using the private restrooms and locker rooms, being they have male genitalia, the administration insists that any of the girls that are uncomfortable with seeing biological males undressing in front of them should use the private facilities. Same with going to the restroom. She should use a private restroom if she is uncomfortable. Mr. Penrod goes on to suggest that counselors are available for my daughter if she feels uncomfortable. High school years are formative years for all children and can be tough for all children. A boy identifying as a girl is likely a tough situation for that child. This simply does not justify teenage boys undressing in front of teenage girls and are watching teenage girls undressing. Nothing justifies that. We're not punishing boys who identify as girls. We just don't want them to be in the same space that was supposed to be private for females. Please imagine this is your daughter or granddaughter. Imagine yourself writing this letter to lawmakers just to stop young men from undressing in front of daughters and watching her undress in a locker room at a public school. I urge you all to pass a law to protect the daughters, our children, from inappropriate situations. Sincerely, a concerned Lincoln Southeast parent. Now to the letter, the response from the principal. Comes from Mr. Penrod. Says, quote, Thank you for reaching out with your concerns. I apologize for not replying on Friday, as I indicated I would on Thursday. Time did not avail itself due to the challenging day Lincoln Southeast endured following the loss of a student Thursday evening. I'm able to reply to general concerns and LPS policies, however, I'm not able to speak to specific students. Additional questions can also be directed to LPS Student Services, which coordinates the district's policies and guidelines related to inquiries. Here are some general policies and practices: LPS recognizes all students in a safe and supportive learning environment to progress, thrive, and succeed academically and developmentally in school. Safety is one of our top priorities, and that's why we evaluate each individual circumstance through our established process that brings together a team of supportive adults to aid each child. Regarding open gym and conditioning, open gym conditioning are voluntary and not sanctioned NSAA activity. They are open to all students, regardless of gender, to participate regardless of NSAA protocol related to the participation eligibility. Locker rooms and restroom usage, we have restrooms and locker rooms that,

that are private that any child is more than welcome to use to aid in the student and family's comfort level. Families have a [INAUDIBLE]--

KELLY: That's your time, Senator.

ANDERSEN: Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. Good afternoon, colleagues. So first, I want to say, I don't think that this bill is the proper work of a state legislative body. I think we're way overstepping our bounds here when we're getting into what's in the pants of individuals. That just seems like very big government, very-- that is way far into my life. So I don't think that this is properly before us. There are really big issues in this state that I do think we should be addressing. We have at least a \$300 million hole in our budget. I'm hearing the Forecasting Board is going to tell us it's bigger than that. Those are things that I think we should be worried about and are the proper province of government. But here we are. So I am willing to briefly discuss this and then I'm going to yield my time to someone who I think can address an issue that I am still wondering about. I will specifically not address the sports issue because everybody who knows me knows I'm not sporty and it's really-- like, I just don't have the leg to stand on, on sports. But I will talk about bathrooms. And I will say this, as a woman, I might need protection in a bathroom, I might. But it's not from trans people. I might need protection on my way home. But it's not from trans men or women. It's from cis men. Every woman in this room has had some moment, I'm confident saying this, has had some moment when they walked a little bit faster to their car or hurried fumbling to unlock the door to their house. And it wasn't because of a trans person. It was because of a cis-gendered man. So I don't need protection from trans women. I need protection, if I need any at all, from cis-gendered men. Now maybe I can stand up for myself, maybe this isn't the right sort of thing, but if you look at how there is an increase in domestic violence in Nebraska on days that the Huskers lose a football game, we may still have some work to do about protecting women in this state. With respect to bathrooms, I know a transgender kid, a high schooler, and this kid has had repeated urinary tract infections, really, really bad ones that actually could land them in the hospital because they refuse to go into a bathroom because they're scared. I don't buy this argument that a transgendered person is going to go into a bathroom

and suddenly cause a lot of trouble. But I do know that they avoid bathrooms because of bills like this. That even the suggestion of a bill like this makes them scared. I have more to say, but the queue is full, and I do think we need to discuss a very specific issue. When you heard the bill read across, all of you heard the severability clause mentioned. It's not always true, but this severability clause is often added to a bill because folks are concerned about the constitutional issues of that bill, and they don't want to lose their whole bill if the court finds it unconstitutional. So they put an explicit severability clause in so that if there is a problem and part of the bill gets unconstitutional, they can have it fixed. So I'll yield the rest of my time, not very much, to Senator Dungan to talk about the constitutional issue. Sorry.

KELLY: Thank you, Senator DeBoer. Senator Dungan, you have 44 seconds.

DUNGAN: Thank you, Mr. President, and thank you, Senator DeBoer. With that very short time, I will try to touch on a couple of issues, but I'll continue it in the next time that I'm on my mic. The U.S. Supreme Court has been very clear that discrimination based on somebody being transgender is discrimination on the basis of sex. What that means is if somebody is discriminating on the basis of sex, they have to apply intermediate scrutiny to determine whether or not that law can stand. Intermediate scrutiny is an analysis, colleagues, of whether or not there is an important governmental interest. And whether or not that the law you've implemented is substantially related to that important governmental interest. The important governmental interest that seems to be pushed forward by this bill and certainly by some of the amendments that have been talked about is protecting women's sports. This bill does not bear a--

KELLY: That's your time, Senator.

DUNGAN: --substantial relationship to that. Thank you, Mr. President.

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

HALLSTROM: Mr. President, colleagues, thank you. I rise in opposition to the motion to bracket in support of AM701 and in support of LB89. It's interesting today that at the end of the agenda, I have a couple of legislative resolutions, both of them designed to recognize girls' high school wrestling champions. One from Johnson County Central and two from Palmyra. As Senator Lonowski alluded to, I think just maybe 5

years ago, we had no NSAA sanctioned wrestling for girls or women. As a result, at that time, the high school girls were competing against boys. There were no state champion women and, in fact, very few matches were won by women during that particular era. If any of the champions recognized by my legislative resolutions had been required to compete with biological males, my legislative resolutions would have been saved for another day, and those young women would not have had their day in the sun and would not have been state champion wrestlers as they are. As a father of three daughters who all competed in athletics, I would not have wanted them to compete against biological males, nor to have their right to privacy compromised in the locker rooms. My daughter Morgan, who's no longer physically with us, was in her dad's estimation quite a little point guard for the Syracuse Rockets. She saw the entire floor. She threw the ball to the open person. She could dish and drive, and as Dick Vitale would say, she could dish the rock. But if she had had to compete against boys, Dickie V would have had to say, you better get a time out, baby, because she could not have competed as good as, as good as her father thought she might have been. Now we've heard some comments about the fact that there's only been six transgender athletes approved or permitted by the NSAA. I think that's a red herring. If you look at the situation, if one athlete is prevented, one girl athlete is prevented from making the varsity basketball team or the varsity wrestling team or qualifying for the state track meet, that's one too many. And so it is an issue to have unfair competition in our high school athletics. Those situations are detrimental to those young women's goals and their interests. And I would with that reiterate my support for LB89, AM701, and my opposition to the motion to bracket and would yield the remaining time to Senator Kauth.

KELLY: Thank you, Senator Hallstrom. Senator Kauth, 1 minute, 53 seconds.

KAUTH: Thank you very much, Mr. President and Senator Hallstrom. So, again, going back to some of the things our, our colleagues have been saying. Senator Hunt said, who are you to decide that your discomfort is more important than someone else's dignity? I'd like to say, who is she? She is clearly saying that only people dealing with gender dysphoria, they're the only ones whose discomfort matters. What about the girls who-- we just talked about a girl from Lincoln Southeast, a girl from Bellevue, kids here in this state who are trying to get help and trying to say to the administration and to their parents, hey, there's a boy in my locker room that makes me uncomfortable. Again, we'll go back to the Ninth Circuit Court. They upheld the law and they

said that it doesn't matter. No one would assume that it doesn't impact someone to have someone of the opposite sex. I'm going to read you it again. It generates potential embarrassment, shame, and psychological injury. The Ninth Circuit Court is saying that boys going into girls' locker rooms, girls going into boys' locker rooms and bathrooms generates potential embarrassment, shame, and psychological injury. So whose discomfort are we worried about? There are a whole lot of girls who are being discriminated against and they are not having people stand up for them. I am always shocked, again, when I see this. Let's see here. Senator DeBoer said that she might need protection, but not from trans women, but from cis men. Now, those are terms that people use to be very confusing. A trans woman is a man. Senator DeBoer says she won't need protection from a man, but she would need protection from a man. That doesn't make any sense.

KELLY: That's your time, Senator.

KAUTH: Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. And I stand in support of LB89, the committee amendment, and opposed to the bracket motion. I'm glad some of my colleagues mentioned going door to door, talking to constituents, and, and reiterating that this is not something constituents want. I want to tell you a story about a constituent that I ran into. He had a, a seventh grade daughter and a ninth grade daughter, and he said his seventh grade loved playing softball. And when, when he-- when a, when a, a biological male joined the team, the daughter decided that playing softball was no longer a priority. And so she didn't want to be involved in playing softball with a, with a, with a male athlete. And so she quit. And so he was devastated. He said, hey, what can we do about this? And I reiterated our priorities in LB89 that we are working on some of these issues. And so I do stand in support of LB89. And with that, I'd like to yield the remainder of my time to Senator Ben Hansen.

KELLY: Thank you, Senator Ballard. Senator Hansen, 3 minutes, 55 seconds.

HANSEN: Thank you, Mr. President. I want to applaud Senator Dungan for actually handing out a study when I talked about show the receipts, show some of the data, some more objective discussion here, some

debate about the harm that, that opponents of this bill say will happen or has happened in the past from laws that we have passed. He did hand out a, a study that was in Nature, state-level anti-transgender laws increased past year suicide attempts among transgender and nonbinary young people in the U.S.A. So it goes on to say-- talk about how from 2018 to 2022, 48 anti-transgender laws were enacted in the U.S.A. across 19 different state governments. And according to their statistics, it showed some level of increased suicide attempts in these states. However, when I dug a little more into this-- first of all, he handed out an abstract, which I think was the only thing you could hand out because when I tried to get the data, it actually said, according to nature.com, the data is not publicly available because they contain information that could compromise research participant privacy. And so I couldn't even look at the data and look and see, OK, what questions did they ask? Was it because of anti-transgender laws? Was it because of something else? And so there's no specifics to this. And, plus, when I went then to the NIH to look up the data, they actually cited a conflict of interest statement on this study. Compelling interest, the authors are current or former employees of The Trevor Project, which is a nonprofit organization. The Trevor Project provides crisis services for LGBTQ+ young people, along with research, education, public awareness, and advocacy. So even the NIH put a conflict of interest statement on this study that he handed out. Couldn't find any debt on it, only provided the abstract. There's a conflict of interest statement based on the authors from The Trevor Project, but I do appreciate the fact that he handed this out. And then, you know, we can actually, maybe, talk about some objective data when it comes to do the laws that we pass here cause actual harm to those young individuals who are transgender? So I'd like to have a discussion on that. And so I appreciate that he handed that out. There's also another article that I'd liked to read about what happened in Illinois. This actually came out on March 20 of this year. I won't have the time to do it but I will, maybe, look and see if somebody can hand out some extra time so I can read that later. Thank you, Mr. President.

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

IBACH: Thank you very much, Mr. President. I rise-- excuse me-- in support of LB89 as amended by AM701 and opposed to the motion to bracket the bill. I'm glad that Senator Hansen touched a little bit on Illinois and how other states are doing because a lot of times when we

look at this legislation, I think it's important for us to think about what happens in other states, how do they handle any of these issues? And even more than that, what happens on the federal level? So I did a little bit of, of research and homework and I came across this article from February 5 from the White House, actually, that speaks to keeping men out of women's sports. And in that, this is a presidential action, it says: By the authority vested in me as President of the-- by the Constitution and the laws of the United States of America, and to protect opportunities for women and girls to compete in safe and fair sports, I hereby-- it is hereby ordered. And Section 1 says: policy and purpose. In recent years, many educational institutions and athletic associations have allowed men to compete in women's sports. This is demeaning, unfair, and dangerous to women and girls, and denies women and girls the equal opportunity to participate and excel in competitive sports. Moreover, under Title IX, the Title IX Act, some federal courts have recognized ignoring fundamental biological truths between two sexes deprives women and girls of meaningful access to education facilities. I think this is really relevant because it kind of speaks to what on a national level that we're talking about here and how it might apply in our state. I also had someone mention this morning about NCAA and so I kind of looked up some of their policy as well. And I came across this article dated the next day, February 6, that talks about NCAA announces transgender student athlete participation policy change. And in this article, it's really revealing how, how NCAA has kind of accommodated the, the same policy that the White House adopted. It says today the NCAA announced the Board of Governors voted to update the association's participation policy for transgender student athletes following the Trump administration's executive order. The new policy limits competition in women's sports to student athletes assigned female at birth only. So that really kind of clears up the NCAA's approach to this. They go on to say the-- that the policy actually permits student athletes assigned male at birth to practice with women's teams and receive benefits such as medical care while practicing. But they cannot compete on that women's team. This policy is effective immediately and applies to all student athletes, regardless of previous eligibility reviews under the NCAA's prior transgender participation policy. They also go on to talk-- we've been talking about numbers today and how many people really are affected by this. NCAA goes on to say it's an organization made up of 1,100 colleges and universities in all 50 states that collectively enroll more than 530,000 student athletes. We strongly believe that clear, consistent, and uniform eligibility standards would best serve today's student athletes instead of a

patchwork of conflicting state laws and court decisions. To that end, President Trump's order provides a clear national standard, and that was NCAA's President Charlie Baker. And so I think what, what these two articles kind of signaled to me is that we have, we have two clear paths forward on this, on this bill, and at a state level we can clearly see that, that following the national protocol is very warranted. So with that, I think this issue-- I would also commend Senator Kauth for speaking to the concerns of some of the senators. She came to me specifically because I asked her the same question and, and she spoke to how she amended the bill to, to kind of speak to the concerns of some of those senators. So with that, I support-- again, say that I support LB89, as amended by AM701, and I'm opposed to the bracket motion. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, I was pretty late in the queue here. Just want to make a couple of remarks. I've listened to the debate, oftentimes I, I was asking myself, remind me again what the bill is, because we seem to have talked about everything except what's in the bill. If there's somebody in here that believes that a biological male who's gone through a transition should be able to compete with women in sports, that is, that's a problem, OK? Nobody's saying you can't compete, you have to compete and, and, and with the people of the same sex that you were born. This is a pretty simple concept because you clearly have an advantage. A male would have an advantage competing in women's sports. We've seen this play out, people that have worked hard, trained every day, training to be good at what they do. And all of a sudden, you're a young woman who's, who's at the top of your game and you get beat by a trans man. In what world is that fair? In what world is that fair? We've got to start thinking about the majority from time to time and understanding that they have rights too. And with that, I'm going to yield the remainder of my time to Senator Hansen because I think he's got a little bit more of a story to sell.

KELLY: Thank you, Senator Jacobson. Senator Hansen, 3 minutes, 25 seconds.

HANSEN: Thank you, Mr. President. I just want to provide a counter narrative to the idea that, hey, we're OK with just the discomfort of some so long as we can help another group or the idea that this-- that we are bullying or this bill is bullying somebody or that Senator

Kauth is bullying somebody. Just providing kind of another counter narrative to that, to that argument. And this comes from an article about an investigation to an Illinois school system. This actually came out March 20 of this year. Illinois education authorities were hit with a federal probe over a mother's report that her middle school daughter and other girls were required to change clothes in the same locker room as a biological male who identifies as female. The Department of Education's Office of Civil Rights opened investigations Thursday into the Illinois Department of Education, Chicago Public Schools District 299 and Deerfield Public Schools District 109 over complaints that their gender identity policies violate Title IX. I'll try to speed up here. The architects of Title IX understood that males and females, especially minors, have a right to be free from compelled exposure of their bodies from engaging in intimate activities like changing their clothes in a locker room in front of-- especially in front of the opposite sex, Acting Assistant Secretary of Civil Rights Greg Tanner said in a statement. Ms. Georgas, who is the parent, drew headlines last week for announcing in a Deerfield School Board meeting that her daughter and other girls were questioned by the assistant principal for refusing to change in front of a male-born student in the girls' locker room. A few days later, two school administrators and two teachers entered the girls' locker room and told the girls to change into their PE clothes, she said, even though the transgender student was present. There was no other option that she had other than to change, Ms. Georgas said. There was the assistant superintendent, the assistant principal, and two other teachers. How difficult would that be as a child? You're only 13 years old. How do you think that pressure felt for any girl? And according to the Deerfield Public School District, they were complying with state law. So sometimes what we do, make laws-- when the laws that we make here do affect other people to protect their rights, not just some, but others as well, which is what we're trying to do here is protect the girls' rights, who may not want to change the locker room in front of others. Finally, Ms. Georgas said that the school principal offered to move her daughter to another PE class, but she declined, saying that she's not changing for the remainder of the year, and she's now changing into another class. So this is just an example of how, on the flip side, according to some here who are in opposition to the bill, that bullying can go the opposite way as well. And we're seeing assistant principals and superintendents and teachers forcefully, practically forcefully make a young girl change in front of a transgender student. So there's instances both ways. I think we need to protect those who don't want to change in front of others and what the locker room was

intended for. So I applaud Senator Kauth for what she's trying to do here. And I think we are doing it, not according to opposition, but in a respectful way and in an appropriate way as well. So I am in favor of LB89 and the committee amendment. And, again, appreciate the debate that we're having here. So thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Meyer, you're recognized to speak.

MEYER: Thank you, Mr. President. I'm going to take a little bit different tact here. I really appreciate the stories and the information we're receiving from, from all the various speakers. I appreciate that information. One thing I want to address, I certainly rise in support of LB89, AM701, and I'm against the bracketing motion. One of the things that I hear frequently in this body when there's a disagreement on a position, whether you're for or against something is it's thrown out, you're just ignorant, you don't know. I take issue with that. I would challenge almost anyone the, the experiences that we have had in our life, in our businesses. We have trans people, LGBTQ+ people perhaps some of us in our families, in our businesses, certainly in our communities that we, we interact with all the time. Do we totally understand the life they're living? No, we don't. I would challenge those that are, are opposing this bill, in many cases, don't have a total understanding of the lives they're living also. Many of the people that are pushing back on this bill, I think in 1972 would have been champions of Title IX. To me it looks like we have turned our back on Title IX and turned our back on the women and girls in, in sports. Troubles me a great deal, and, and I'm, I'm quite confident that those that are pushing on this particular bill would have champions of Title IX at that time. I very seldom get up on the mic, but I feel very strongly that we are trying to do something positive here. This is not about hate, this is not against anybody, and I, I totally support LB89. I would like to allow Senator Kauth to have the balance of my time, if she would so desire. Thank you.

KELLY: Thank you, Senator Meyer. Senator Kauth, 2 minutes, 35 seconds.

KAUTH: Thank you, Mr. President, and thank you, Senator Meyer. Couple rebuttals. To Senator Fredrickson, talking about homosexuality, this bill has nothing to do with homosexuality which is about someone's personal subjective same-sex attraction. Being male or female is not subjective. It is an objective fact. And as a result, we separate select spaces where people are vulnerable by sex. To Senator DeBoer, who brought up the concern that kids would not use the restroom

because they wouldn't want to be outed or they wouldn't want to go into the wrong restroom. There are girls who are choosing not to use their restrooms because there are boys in those restrooms. So that's, that's kind of tagged onto those. One of the questions I've had as I've researched this, where are the feminists? One of most frustrating things for me has been wondering where all the feminists went. I look at my progressive, liberal, elitist female colleagues on the floor, every one of them claiming to support women's rights. Until a man was accessed to those activities and spaces that have been designated as single sex, then they bend over backward and do mental gymnastics to try to convince you that a man pretending to be a woman is entitled to those single-sex spaces and activities. Well, I'm happy to say I found the real feminists. Those women who know that sex is real and that claiming to be the opposite sex does not make you the opposite sex. These women are primarily from the left, female Democrats who have been trying to sound the alarm about this intrusion and betrayal of women from the progressive part of their own party. In conversations with these women, we agree, we do not align in many areas, but protecting women's rights to single spaces-- single-sex spaces and cementing the fact that sex is a material reality our society uses to determine those guidelines is an issue we are 100% in agreement. Many of these women and groups have expressed incredibly deep frustration with how they have been silenced, deplatformed, shamed, ridiculed, and have lost opportunities because they are unwilling to deny the material reality of sex. And I'm sure I have Democrat colleagues on the floor who are fearful of that silencing. I would encourage this body and anyone listening to contact these organizations and talk to some of these wonderful women who are doing everything they can to protect women's rights. I'd offer these connections to several of my colleagues who oppose this bill but have not yet been taken up on it. First off, and I'll get back to this once, once my light goes off, Sharon Byrne with the Women's Liberation Front, affectionately known as WoLF--

KELLY: That's your time, Senator.

KAUTH: Thank you.

KAUTH: Thank you, Senator Kauth. Senator Sorrentino, you're recognized to speak.

SORRENTINO: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of LB89, as well as AM701, and in opposition to the bracket motion and, therefore, in support of women. Earlier, it was

asserted that Pope Francis, rest his soul, has suggested that he was in favor of gender ideology. In fact, on March 19, 2016, he very specifically and emphatically stated quite the opposite. I would ask you to see apostolic exhortation, *Amoris laetitia* number 56. Onto my testimony regarding LB89, this is not a bill of hate towards anyone, regardless of their sexual orientation or gender choice or identity. Instead, LB89 is simply a bill to support the long-held tradition that women, like men, have a right to privacy and a right to fair competition academically, athletically, and financially. My comments today are offered from a slightly different perspective than others, that of a competitive athlete for over 5 decades and from that of a coach of male and female distance runners for over a quarter century at the junior high school, junior high/high school and currently at the Division I collegiate level. As an athlete, I have been blessed and privileged to compete for over 5 decades at some of the most well-known and competitive venues in the world, including the U.S. Men's Olympic trials. As well as the New York City, Athens, and Boston marathons. Regardless of where I have raced, there has always existed separate and distinct categories for biological men and biological women, both from a qualifying standard and a results standpoint. The standards for these races are based upon vast amounts of evidence gleaned from past performance and have long recognized the anatomical differences between men and women in this and other sports. And in the spirit of fairness, allow for differences in performances due to biological gender. I mentioned the Boston Marathon earlier, which was held for the 129th time just yesterday, one of the handouts that you have been provided shows the 2026 qualifying times separated into three categories, men, women, and not binary. I do believe that this three-tiered category, in effect since 2023, is a step in the right direction for the protection of biological women. I really do as it represents the changing landscape with respect to how we accommodate gender identity, yet protect biological female runners from being put at a competitive disadvantage. I will note that in each of the 3 years that nonbinary category has existed, it was won by a biological male. But, most importantly, and more germane to the legitimate, or the legislation at hand, I ask you to take note of the differences between the male and female qualifying times. At every age category, there is a 30-minute difference between the males and females categories. At the Boston Marathon, as with most other competitions, it is recognized that there is a substantial difference in athletic performance between biological men and women. At the very highest levels of competition, a 30-minute difference is an enormous differential. As much as 6 to 7 miles. I also have the distinct privilege to currently serve as a

volunteer assistant coach of a collegiate cross-country team, as mentioned earlier, working primarily with the female student athletes. These are bright, hard-working, athletic, talented young women who will accomplish great things in the not-too-distant future. But for now, in addition to their academic accomplishments, they are focused on being high-caliber female collegiate distance runners. However, their lifelong goal of earning and retaining a collegiate athletic scholarship, participating in name, image, and likeness monies, being included in potential settlement funds from the impending House v. NCAA Settlement fund, is in serious jeopardy if these young women, who have worked so hard, most of them since middle school, are forced to compete for these benefits against biological males in order to enjoy the fruits of their efforts. Perhaps even more unfair is the potential displacement of a biological woman in the form of no victory stands, no podium appearances, no accolades, as if they no longer count. Truly an assault on their self-esteem. Now that, my friends, is a crime. Accommodations are fine for the very small minority who experience gender identity issues, but not at the expense of those who have followed the rules, competed in accordance with their biological gender, worked hard, and are deserving our respect and our due recognition, support, and awards that come along with their hard work. Recently, after 49 years of incredible advancement for women's collegiate athletics through Title IX--

KELLY: That's your time, Senator.

SORRENTINO: Thank you.

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

MOSER: Thank you, Mr. President. Good evening, colleagues. From listening to this debate, I think you can see that we have a pretty wide divergence of views. The transgender gender dysphoria numbers are somewhere around 1%. And the number of female athletes that would be upset about having male athletes in their locker room, I think, are much higher. If this bill goes away, it's not going to solve discrimination. It's not going to solve emotional distress. Those things are probably going to continue. This is just a specific law that deals with some specific situations and it protects women against competing against men and from having them share their bathrooms and their locker rooms. And, you know, 8 years ago, if you started talking about this, people wouldn't believe it. But nowadays gender dysphoria is an issue that is in the forefront of our social being and so we

have to contend with it. But I'm against the bracket motion, I'm for AM701, I'm in support of LB89, and I would yield the rest of my time to Senator Holdcroft if he would like it.

KELLY: Thank you, Senator Moser. Senator Holdcroft, 3 minutes, 3 seconds.

HOLDCROFT: Thank you, Mr. President, and thank you, Senator Moser. Kind of along the lines of what Senator Sorrentino just said, that there have been a lot of statements on the floor here about somehow Pope Francis being tolerant of gender ideology. I found this article from, from Vatican News dated January of 2024. And the headline is a quote from Pope Francis. It says: Gender ideology is the ugliest danger of our time. And the article goes on to say that he was addressing participants at the International Symposium, the man-woman image of God. And Pope Francis described so-called gender ideology as the ugliest danger of our time because it cancels out all differences that make humanity unique. Pope Francis on Friday again spoke out against gender theory, describing it as an ugly ideology of our time because it erases all distinctions between men and women. To cancel this difference is to erase humanity. Man and woman instead exist in a fruitful tension, he said. Further it went on to say, indeed he remarked, the life of the human being is a vocation which has a relation-- relational character. I exist and live in relation to who generated me to the reality that transcends me to others and to the world around me in which I am called to embrace a specific and personal mission with joy and responsibility. This fundamental anthropological truth is sometimes overlooked in today's cultural context, where human beings tend to be reduced to their mere material and primary needs. Yet, Pope Francis said they are more than this, created by God in his own image, man and woman carry within themselves a desire for eternity and happiness that God himself has planted in their hearts, and that they are called to fulfill through a specific vocation. In other words, God doesn't make mistakes. And I'd like to yield the rest of my time to Senator Lonowski.

KELLY: Senator Lonowski, 42 seconds.

LONOWSKI: Thank you, Mr. President. Thank you, Senator Holdcroft. So real quickly here, I'm, I'm going to talk about a couple of different things. I have a lot of information from Professor Greg Brown. He's a-- he's done a doctorate at, at UNK, and he's been there for 30 years studying this. He doesn't see any differences from what he saw 30 years ago as far as the physicality between men and women. There's a

transgender trend, you can find this online, and it says up to 80% of children who identify with gender trans-- gender dysphoria tend to go back to their original sex and so I think we need to keep some of these things in mind--

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

ROUNTREE: Good afternoon and thank you, Mr. President. Good afternoon, colleagues, or good evening, shall I say, we're at that time now, and to all of those that are still watching online. I just rise today in support of on the bracket motion from Senator Hunt against LB89. And I had so much I wanted to say as I came today, but just to share experiences and greetings and welcome to everyone that's still here with us on today. I rise just to say I support our rights. I served in our United States Air Force uniform for 30 years to protect the rights of all, whether I agree with what those rights were or not, but still to protect those rights. And that's what we have here in our country today. When we say the end of our pledge each morning, we say with liberty and justice for all. So we still want to ensure that we have liberty and justice for all. As a substitute teacher in the Bellevue Public Schools classroom, I have had a chance to teach our transgender students as well as all of our students. I recall one day when I was in the fourth grade and we were doing the number line, converting fractions to decimals on the number line, it was a tough time in math on that day. However, once one of the young students got it, it spread like wildfire throughout the classroom and, and everybody got it. It didn't matter whether you were transgender or whatever you might have been. They were excited to learn and that's what our responsibilities are in the classroom is to ensure that every child, every child has an opportunity to self-actualize and be the best that they can be. And so Bellevue, which is over in my district, Bellevue Public Schools and the Bellevue School Board just on April the 15th, they, they changed their policy on transgender, but they said it was because of the threat to federal funding. We see how that has been playing out in a number of areas, but I want to take a quick read of that before I come back in and sum up. But it says the superintendent of the Bellevue Public School cited threats to federal funding as a driving factor in changes to the district's guidelines over which bathroom and locker rooms transgender students should use and their participation in sports. That was just back on April the 14th. The district school board approved revisions to the district's administrative regulation on transgender students as part of the consent agenda at a meeting Monday night. The vote came after about 45 minutes of public comment,

which is the maximum time allowed. While most public comment was against changing the policy, a handful of people spoke in support of it. Where the policy previously stated, students should have access to a restroom that corresponds to their gender identity, gender identity has been changed to sex. Language around the participation in sports and the use of locker rooms was also changed to correspond to a student's sex instead of gender identity. A definition of sex as an individual's immutable biological classification as either male or female was also added, and definitions of gender identity, transgender, and gender expression were removed. The revised policy also removes language, stating that school personnel should not discuss-- disclose information that may reveal a student's transgender status to parents and other school personnel. During the meeting, the superintendent of the public schools noted the revision doesn't mean staff will be required to share that information, but they could. He also said a combination of reasons led to the changes to the regulation including concerns from students and parents and executive orders from the Trump administration threatening federal funding to schools using diversity, equity, and inclusion practices. He said \$10 million is what we get in federal money and that does mean a lot to this school district, he said. The regulation on transgender students was first approved in 2015, and they had been working with that until now that we have addressed these changes. And, lastly, in my last little bit, I also want to talk about an item when I was at war back in 2001 where we had one of the commanders came down and went into the restroom, and there was another individual who said we don't allow any males in the head. We don't allow no males in the restroom. She said, what did you say? She said we don't allow any males in the restroom. But she was female, fully female. It struck down to the depths of her heart when misidentification and having words said like that. So, again, as I close, I stand for the rights of all. And I appreciate this opportunity, Mr. Speaker, just to share on today. And I yield back any time that I might have. Thank you so much, Mr. President.

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

SPIVEY: Thank you, Mr. President. I didn't know if I would get a chance to speak today, but I'm glad that I'm up here. I rise in opposition of LB89, AM701, and support the motion to bracket. We know that policy has been weaponized against communities that are traditionally pushed to the margins. Whether that's black folks, poor folks, indigenous people, queer people, we know that that happens and is used. And I've seen it in this body and I've seen it through this

bill. I also know that religion and science is used to justify oppression, specifically systemic oppression, and we've seen that through enslavement. It's the same playbook, and it's used over and over and recycled. Someone brought up in this body that in 1920 women's rights were, were able to vote. Black women couldn't vote. Native women couldn't vote. Latino women couldn't vote. In 1972, people that look like me were getting lynched. So I want to be clear in the fact that when we talk about policy and when we're talking about standing up for marginalized populations, that what is being proposed is another attempt to further push people to the margins and create a boogeyman and alienate trans folks. So I actually run a nonprofit that supports women, femmes, and girls. Our work is centered on how do we make sure that we can actualize our full potential to being. And so if this body truly wanted to protect women and children, then we would be having more bills around childcare. I don't think we have debated a bill around childcare yet. I have a bill, LB442, that I cannot get the chair to even exec on or talk about which creates a state subsidy to address the childcare crisis that we are seeing. If we wanted to protect women and children, then my bill, LB283, would be out of committee. That creates an express lane for Medicaid and CHIP, which actually is for children. It creates efficiencies within HHS to ensure that the, the most vulnerable among us, our children, have access to health care and food access in our state. We would be looking and not fighting against minimum wage. We would ensure that people have the money that they need to take care of themselves. We would ensure that there is safe, affordable quality housing for women, for children, for communities and families. We would have better benefits in our state. We would have paid leave across the board, which has been brought in this body a number of times and yet not passed. And so I want to be clear when we talk about protecting women and children, there is actual policy that we can do that would protect women and children, ensure that they are able to actualize the lives that they want. Demonizing and alienating trans youth and trans folks is not protecting women and children. I am not in competition with my trans sisters, brothers, or siblings. I do not lose anything by ensuring that they have dignity and respect and an opportunity and just being treated within humanity, right? Like, I don't, I don't lose anything by that. And so I think we have to have a serious conversation around why this bill is here and the intent. One thing I also wanted to name that Senator Hunt had brought up previously was around enforcement and what does that look like. And to be clear, you cannot clock who you think is a woman. You cannot tell who you think a woman is. Senator Rountree just brought up a good point when he was

talking about his time in the military. So there was a story that came out this year, February 28 of 2025, around a, a person that identifies with their sex assigned at birth, so a cisgender woman who is more masculine presenting. She was in a Tuscan Walmart and went to use the restroom when an associate called the police on her and the police, two men, police that identified as men in their sex assigned at birth came in and demanded that she leave the restroom because she was not a woman. She specifically said she was a woman and has now sought legal action as they demanded for her to prove that she was a woman in the Walmart restroom. And so again, enforcement, which was brought up before, this cannot be enforced. And now we are going to have vigilantes deciding who is a woman or not, who is a man or not, and taking it into their own hands, further criminalizing people and putting people's lives at risk. The last thing that I would say, because I know my time is up, is that we should not be using trans youth playing sports as a scapegoat for subpar high school and middle school athletics, like, living out their dreams. That's not it, and that's not OK to do.

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

RIEPE: Thank you, Mr. President. This evening I want to present amendment AM1138 that represents my personal compromise on LB89. I share the underlying concern, the importance, if you will, of preserving the integrity of interscholastic sports competition in Nebraska. However, I do not believe that concern justifies using state law to micromanage who may use which bathrooms or locker rooms. That level of oversight and accommodation is best left to individual schools not dictated through our state statutes. This amendment also removes the potential for the Stand With Women Act to be expanded to state government. I believe that Section 9 of LB89, as proposed, opens a can of worms that runs far deeper than any of us can anticipate and is a topic for another day. AM1138, which will be coming to you in the future, also eliminates any reference to intramural sports. It's simply unreasonable to expect colleges or professional scouts to monitor intramurals fraternity beer league football. Interscholastic competition is sufficient. In essence, the amendment refines the standard for women's act to focus on protecting young sports while keeping the state out of bathrooms and locker rooms. If AM1138 is not adopted, I am prepared to oppose LB89. Senator Kauth and I have discussed this and we have an understanding. I intend to support LB89 through General File with expectations that it will be amended on Select File. I would also like to say, standing with women, it sounds

strong, it sounds so American, but it's not that easy and it's much more serious and, and much more complicated. An attorney friend of mine reminded me last Thursday that when it comes to equal rights, your equity ends where my freedom begins. Both are rights, and both are prepared to fight to the end to prove the obvious, that obvious being that they are each right totally. President Trump, after signing an executive order prompted upon his inauguration, made a bold second claim to his State of the Union address that boys will not play girl sports. As always, the devil is in the details. Where do your rights start and end, and where do mine start and end? It is all in the eyes of the beholder and our judicial system. At this moment, the Trump administration and the state of Maine are headed to court to determine who is most right. That all said, before we can solve a problem, we need to start with the facts or precedence and, at least for the moment, set emotions aside. Easier said than done, but we must, to the best of our ability, create a clear and objective understanding of all parties involved. As we look at Stand With Women and the issues of boys or men participating in women's sports, we need to examine the problem from 30,000 feet, or what I call the federal government, where Title IX comes into play along with the NCAA. Charlie Baker, President of the NCAA, tells us that 510,000 college students across the nation participate in college athletes-- athletics. And of those, only 10 have sought to participate in a sport different than their biological sex. He also tells us that because teams play across state lines, we must have one policy, not 50 different policies based on individual state laws. One of my immediate concerns is whether this Nebraska law, as it was originally proposed, will have an impact on Omaha's College World Series or on our ability to attract regional tournaments across a variety of sports. If so, we would have to work to accommodate. At the Nebraska public education level, since 2016, the Nebraska School Activities Association, the NSAA, has had a policy that's--

KELLY: That's your time, Senator.

RIEPE: Thank you so much, Mr. President.

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

STORM: Thank you, Mr. President. Good morning, colleagues, or good afternoon, colleagues. I stand opposed to the bracket motion, support the amendment, and support LB89. This is commonsense legislation that protects women and girls. God created men and women equal in dignity, but different. This isn't a slight of either gender, but it's a

reality. I want to read an email received from a parent who lives in the Omaha metro area, and their daughter, who is affected, is 16 years old, and I will not be naming the school. To whom it may concern, my daughter attends a high school in the Omaha metro area, and it has been brought to our attention by my daughter, another student, and her parents that there have been incidents where a student that was born a male, but identifies as a female, is using the girls' restroom and locker room, while other, while other female students are using those facilities to change for class or to use the restroom. It is very inappropriate and unsafe to allow this to be happening in school. Schools are supposed to be a safe space for students to be able to learn, and my daughter should not be having to constantly wonder whether another student that is a male is using the same, same female facilities as her. I understand this can be a sensitive subject, but also feel like my daughter should not have to be uncomfortable going to school, and not knowing who is coming into the bathroom or locker room while she is changing. I believe this is a huge safety concern and sets a dangerous precedent that could allow anyone and everyone into areas that are supposed to be private. How can we ensure the safety and privacy of all our daughters while attending school? We have emailed the principal multiple times since September and the issue is still occurring. Our daughter had wished to stay anonymous in fear of retaliation, but after dealing with it for a few months, she met with the dean on November 17, 2024. Her and another student were told that no one in the school can force anyone to use a certain bathroom due to district policy. We have been told there's a general-neutral bathroom. I feel like there should be a commonsense policy implemented that requires use of bathroom of birth gender or the gender-neutral facilities. Given the option to use two different bathrooms should not infringe on anyone's rights while also protecting the rights of our daughters. Thank you for your time. Looking forward to hearing from all or any of you. As for more details, I probed my daughter for some more details about what exactly had been going on, how often she had been having issues, who else may know about this, etcetera. She told me that this is an everyday occurrence. The individual is in the women's restroom every day during her lunch break. She also stated that it's peculiar because her and her friends have never seen this individual actually use the restroom. It stood out to them because the first few times it happened, they thought this person was in line to use the facilities, but was actually just hanging out in there. She stated that most of her friends are scared to say anything about being uncomfortable with this individual being in the restroom because they have heard rumors that this individual

has jumped or attacked other people previously. As far as the locker room, she didn't give me an answer as to how many-- how often there are locker room incidents, but she did state that the time that caused me to send this email was in the locker room. She said that this individual came in the locker room as she was getting ready to change and just sat there. She felt uncomfortable and left. As she was leaving, the individual was exchanging vapes with another girl in the locker room, and they were just hanging out in there. So I am no way trying to say anything about vaping. Vapes are the least of my concerns at this moment. The fact that this individual is just hanging out in these areas gives me even more cause for concern. We reached out to the entire school board for further action and have only heard back from one member. He is hoping that something may be able to be accomplished at the state level. And that's what we're here for. I mean, there's people who say this isn't happening. This is happening in Nebraska. They're asking state senators to enact laws to protect girls. And that is what I came here to do as a, as a state representative, state legislator. And I feel it's imperative to-- that we do that. And I do want to reiterate, like I said, God created man equal-- men and women equal in dignity, but we're different and there's nothing wrong with that. So I yield the rest of my time.

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

STROMMEN: Thank you, Mr. President. Good evening. It is 5 minutes to 7. How about that? I just wanted to talk for a minute. I know that really the crux of this bill revolves around athletics, and I'm not sure if we've really dived into the athletic side of this. I know that the Serena Williams comments were brought up earlier. It's actually Serena Williams and Venus Williams, who were the two top tennis players at the time, and they did lose to the 203rd-ranked male player in the U.S. at the time. I think that that perfectly illustrates what we're trying to discuss here is just the physical differences between men and women, especially when it comes to athletics. There is a difference there physically, athletically. And from a safety standpoint, I think that that needs to be impressed upon as well. One of the other things that I'd like to just sort of touch on is the fact that the women's U.S. soccer team played the under-15 Dallas, Texas boys' team and lost. The Australian Women's olympic soccer team played the Australian U-16 boys' team and lost. I, I think that, again, succinctly illustrates the physical differences between males and females. If you have an olympic caliber team that's losing to a under-16 boys' athletic program, we can go back and forth about, well,

were they trying, were not trying, were they looking to just throw the game, were trying to practice? Either way, you should not be losing to, to a-- an under-16 team in that capacity. So I think we really have to take a, take a hard look at, at the physical differences. I coached lacrosse for 10 years. I fully understand both-- coached women's lacrosse, men's lacrosse, and there are distinct differences. I would never put a male player in a female's-- on a female team, it would be disastrous to say the least. And I, I think we really need to take a hard look at that when we're, we're having these conversations. So thank you very much. I yield the rest of my time to Senator Kauth if she would like to--

KELLY: Thank you, Senator Strommen. Senator Kauth, 2 minutes, 27 seconds.

KAUTH: Thank you, Mr. President, and thank you, Senator Strommen. Some of the comments about trans youth being upset about these bills, again, astounding and absolutely undemocratic that that's the only thing we're allowed to worry about. Are women and girls not supposed to advocate for our rights because men and boys who want to be women are upset about it? Women and girls have every right to push back on this. It is an assault on our rights. It is an infringement on our rights. I want to go back to sharing some of the groups. And I, I do encourage everyone to look up these groups. They are incredibly powerful, well-spoken women who are, are identifying that this is a serious problem. Elizabeth Chesak and Kara Dansky with Women's Declaration International. Kara Dansky wrote an amazing book called: The Reckoning, How the Democrats and the Left Betrayed Women and Girls. Jennifer Sey with XX-XY Athletics, she actually founded a company for athletic apparel to support women in athletics. Jordanne Kemper, Independent Women's Forum. Kim Jones, Independent Council on Women's Sports. And this one's really important, Reem Alsalem. She's a special reporter on violence against women and girls, its causes and consequences by the UN Human Rights Council. She put out the following statement in December of 2023. The proposed rule changes to Title IX here in the U.S. would violate the rights to equality and nondiscrimination of student athletes that are biological women and girls and contravene the United States obligations under international human rights law. That's when President Biden was going to change Title IX to include gender identity. On April 6, 2023, the U.S. Department of Education issued separate proposed changes to its Title IX regulations on students' eligibility for athletic teams, with the stated aim of clarifying that sex-based criteria determining athletic eligibility for each sport, level of competition, and greater

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education level must be substantially related to the achievement of an important educational objective, minimize harm to students whose opportunity to compete on a team aligned with their gender identity would otherwise be limited or denied. Again, this is the special reporter on violence against women and girls for the UN Human Rights Council, saying that the--

KELLY: That's your time, Senator.

KAUTH: Thank you, Mr. President.

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

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

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

KAUTH: I'd like to invoke cloture, call of the house.

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

CLERK: 37 ayes, 0 nays, Mr. President, to call the house.

KELLY: The house is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. Members, the first vote is on cloture and there's been a request for roll call, reverse order. Mr. Clerk.

CLERK: Senator Wordekemper voting yes. Senator von Gillern voting yes. Senator Strommen voting yes. Senator Storm voting yes. Senator Storer voting yes. Senator Spivey voting no. Senator Sorrentino voting yes. Senator Sanders voting yes. Senator Rountree voting no. Senator Riepe voting yes. Senator Raybould voting no. Senator Quick voting no. Senator Prokop voting no. Senator Murman voting yes. Senator Moser voting yes. Senator Meyer voting yes. Senator McKinney voting no. Senator McKeon voting yes. Senator Lonowski voting yes. Senator Lippincott voting yes. Senator Kauth voting yes. Senator Juarez voting no. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator

Hallstrom voting yes. Senator Guereca voting no. Senator Fredrickson voting no. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting no. Senator Conrad voting no. Senator Clouse voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Brandt voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Andersen voting yes. The vote is 33 ayes, 16 nays to invoke cloture, Mr President.

KELLY: The motion to invoke cloture is adopted. Members, the next vote is on the bracket motion. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 16 ayes, 33 nays to bracket the bill, Mr. President.

KELLY: The bracket motion fails. The next vote is on the adoption of AM701. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 11 nays on adoption of the committee amendment, Mr President.

KELLY: AM701 is adopted. The final vote is to advance LB89 to E&R Initial. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting no. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop voting no. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes.

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Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Votes 33 ayes, 16 nays on advancement of the bill, Mr President.

KELLY: LB89 is advanced to E&R Initial. I raise the call. Mr. Clerk, for items.

CLERK: Mr. President, amendments to be printed from Senator Dungan to LB89, as well as Senator Hunt to LB89, Senator Conrad to LB89, Senator Riepe to LB89, Senator Ballard, LB645, Senator Hunt as well to LB89, Senator von Gillern to LR20CA, and Senator von Gillern, LR20CA. Finally, Mr. President, a priority motion. Senator Murman would move to adjourn the body until Wednesday, April 23 at 9:00 a.m.

KELLY: Speaker Arch, you're allowed to speak to that motion.

ARCH: Thank you, Mr. President. I want to-- I just want to let people know before we adjourn here that they should plan on both tomorrow night and Thursday night to be late nights with a dinner break from 6 to 6:30 for, for the next two nights. We'll be standing at ease during that time and a meal will be provided to senators at-- in the Capitol cafeteria. Tomorrow's agenda, you'll see has some Select-- additional Select File bills listed in addition to the bills on today's agenda, which we did not get to, it will be available very shortly after adjournment. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. There was a motion to adjourn and there is a request for a roll call vote on the motion to adjourn. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting-- Senator Jacobson voting yes. Senator Juarez-- Senator Juarez voting yes. Senator Kauth-- Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator

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KELLY: The Legislature is adjourned.