

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate July 29, 2020

**LINDSTROM:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-first day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Senator Williams. Please rise.

**WILLIAMS:** Good morning, everyone, and please join me in prayer. Dear Lord, we thank you for today and for all days. Please stand by our side during these difficult and uncertain times. Help us to remain focused on the task at hand, making good public policy. As senators, we come to this body from different geographies, different political parties, different religious theologies and different goals and aspirations. We recognize that it becomes easy for us to put labels on one another. These labels tend to emphasize our differences rather than embrace our areas of commonality. Lord, we ask that you remind us that we all have a great deal more in common than we have as differences. We all want a thriving blit-- business climate that stimulates growth. We all want a fair and equitable tax system. We all want high-quality education for our kids. Lord, we ask that you give us the ability to focus on these common goals, learning that together there is no monopoly on common sense on either side of the political fence. As we continue to debate the difficult and possibly contentious issues, open our eyes to see all sides, open our ears to listen to everyone, open our minds to find real solutions, let us use our combined wisdom, our independent imagination and our abundant compassion to find opportunities in the obstacles we face and solutions for the challenges on the horizon. Amen.

**LINDSTROM:** Thank you. I call the order the fifty-first day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**CLERK:** I have a quorum present, Mr. President.

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

**CLERK:** I have no corrections.

**LINDSTROM:** Thank you. Are there messages, reports, or announcements?

**CLERK:** One item. Enrollment and Review reports LB1009 as correctly engrossed. That's all that I have, Mr. President.

**LINDSTROM:** Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk.

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**CLERK:** Mr. President, Senator Crawford would move to return LB323 to Select File for specific amendment.

**LINDSTROM:** Senator Crawford, you're welcome to open on AM3118-- your motion, excuse me.

**CRAWFORD:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. Colleagues, AM3118 contains two nonsubstantive updates to LB323. First, in compliance with the Speaker's guidance to eliminate general funds in the current biennium, it moves the very small general fund impact that's currently in FY '20-21 out to FY '21-22. This is accomplished by pushing the effective date out to October 1, 2021. And secondly, it changes the year on the section of the revised cumulative statutes that the bill language amends. So LB323, is a much-needed update to our Medicaid Buy-in Program that allows individuals with disabilities to work and contribute money for Medicaid coverage. We worked with the Department, DHHS to make the fiscal note as small as it could be. And colleagues in other states that have adopted this reform, they have actually saved money, so I urge your support for this amendment. Thank you. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Crawford. Senator Wayne, you're recognized.

**WAYNE:** Thank you. Thank you, Mr. President. Today, we're-- I'm not opposed to the amendment to return and the amendment underneath it, but I am going to follow through with taking time on every bill today. I think it's needed. I think what's going on in the body is unjust. And so that's where we're at, so you guys don't have to sit here. It could just be a conversation of me and Senator Chambers and whoever else wants to jump in. But the one thing we have is a short day every day. It seems like we're not going long. And so we'll, we'll have conversations around time. So I'm going to give different examples today of some of the injustices that I've seen across and add some amendments to some bills to maybe try to keep that from happening. But at the end of the day, again, I support the underlying bill. I support the amendment. This is about the processes we are going through in this body. And for the first time, I kind of get where Senator Chambers is coming from. Why time is the only thing you have when you continue to look around and see things that just don't seem right that go on in this body. So it's not a personal attack on anybody. But what I do think needs to happen is we need to force some different conversations and the only ability I have to do that is with time. So I will be asking Senator Chambers some basic questions to get a dialogue. And maybe after we pass a couple bills, we can adjourn early

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sine die, but since it's his last time being in the body, I think we should understand how Senator Chambers got to the point to where he is and some of the things he wanted to accomplish over the years and some of the things he did accomplish over the years. So we'll have a interview, I guess, is what I'm going to do later here today with Senator Chambers. But it won't be an interview where he still can't write his own book and-- and travel the country and-- and have conversations about all the accomplishments, so it'll be a high level, 30,000 foot interview. But I figure by the time we get through some of those questions and some of those conversations we'll be at-- at least Senator Vargas' bill or motion and then we'll be at-- we'll be adjourned. And so if you want to get work done, you can go get work done. But I'm adamant about what happened yesterday. I'm adamant about what continues to happen. And I think the wrongs that continue to go on in this body, so we will spend some time on that. I do want to tell a little story about one of the injustices we have going on in our system. How much time do I have left?

**LINDSTROM:** 2:20.

**WAYNE:** Okay, great. Well, first, we'll start off with just going back to what I talked about was the black tax. We'll start with that and then the next five minutes I want to-- actually I'll start today. Will Senator-- Senator Chambers yield to a question?

**LINDSTROM:** Senator Chambers, would you yield, please?

**CHAMBERS:** Not to temptation, but to Senator Wayne, yes.

**WAYNE:** How long have you been in this body, Senator Chambers?

**CHAMBERS:** Too long.

**WAYNE:** Too long.

**CHAMBERS:** Actually, 46 years total.

**WAYNE:** And when you were running for office, what kind of prompted you to run?

**CHAMBERS:** Well, there had been an elderly-- we won't get to finish it on this time. But there was an elderly black gentleman who was appointed by then Governor Tiemann to finish out the term of Senator Edward Danner, who died. And he stood on the floor of the Legislature and said, God put white people in charge and we should go along with that. The community was outraged. And even though I was a young man,

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I'd been active and they asked me, would I run against him? Unfortunately, I said I would. I thought I was going to be sentenced to a term of years, but it turned out to be something like a life sentence.

**WAYNE:** So over the years, what would you consider one of your biggest battles was?

**CHAMBERS:** Just-- just trying to get the Legislature to do what it ought to do.

**LINDSTROM:** One minute.

**CHAMBERS:** When I first came, two things I wanted to do. Get-- well, three, actually. But it revolves around one issue. District elections for the Omaha School Board, district elections for the city council, district elections for the county board, because although we had substantial population, we could never win an at-large election and eventually over several overriding vetoes, failing to override several of them, I achieved all three of those with the help of some senators who understood the issue.

**WAYNE:** Interesting. So do-- you wanted to make sure there was fair representation in Omaha?

**CHAMBERS:** Oh, yes. And I also did a lot of work with the people in the rural areas, and they signed petitions to send me to Washington to represent them because they thought that the senators in Nebraska did not do that.

**WAYNE:** How much time do we have left?

**LINDSTROM:** Time, Senator.

**WAYNE:** Thank you.

**LINDSTROM:** Thank you, Senators Wayne and Chambers. Senator Crawford, you're recognized. Senator Crawford waives. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. So it's going to be an enjoyable day and I-- I'll be, hopefully be able to listen to some of this and in some ways, I totally agree with Senator Wayne. Yesterday was kind of a fun moment. And it goes to show that when we get on the floor that nobody listens to what we're saying. When I brought up my amendment yesterday, everybody was too busy sharpening their knives and they didn't hear a word I said. I gave them the opportunity to

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talk about why they wanted to add the funding to the programs that they were choosing. And instead, you come out with knives swinging, thinking I'm cutting your programs. This wasn't a cut to a program anywheres. This is not adding money to it, but it gave you an opportunity to say on the floor why you were doing this. Why is it so important that we didn't fund it last year but you're going to fund it this year? Were you short of funds? Did something change? I didn't hear any of that. And if-- I'll get my transcripts because I just speak off the cuff, but I don't believe I ever mentioned it was going to property tax relief. I didn't ever talk about really cutting it. I talked about you have an opportunity here to tell us why you needed the extra money. So it was kind of a fun exercise. And maybe if we'd all sit on the floor and listen sometimes to what's being said, it would make a difference when we're getting into the tough times at the end of the session and everybody's battling and we're all trying to fight for what we want. And if I stood here as an ag senator who's tried to get property tax relief, we've worked on this for 30 years, I should be down-- shutting down the session like Senator Wayne. And I should be saying enough is enough. We're tired of giving away money to businesses instead of helping our entrepreneurs, our small businesses. We give it away to the Chambers, and they're big money and they're big businesses and all of the data, all of the research shows that it doesn't pay for itself. So I sit here, it's frustrating. And in the end, we keep saying we're a high-tax state. I can't say that I've heard a business or anyone else complain about that but me as an ag producer, if you look at my ag taxes compared to any other state around us, we're at the top of the pile. We're right up there with California and we don't raise the high-value crops that they raise. And yet we just keep beating our heads against the wall, hoping for something will change. Keep giving here and there, negotiating against ourselves in a way. I'm getting tired of it, for one, but I'm not giving up. I've got two years left and if I have to help Senator Wayne shut down the session, maybe that'll happen. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Friesen. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. So I want to talk a little bit about an innocent man sitting in prison, and I'm going to tell you how he got there. So there was a murder that happened in Omaha years ago, and at the time he was a juvenile. Ernest Jackson is his name. And Ernest Jackson was a part of a group with two other people. But Ernest got arrested first. And why is that important? Because the two other key witnesses supposedly were the two people with him. So the attorney-- his attorney asked their attorney, they're going to call him to the

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stand. Well, the key witness, the person who actually believed to have fired the shot, told the attorney and told the judge that he was going to plead the fifth. Now, why is that important? Because I, as an attorney, cannot knowingly put somebody on the stand if I know they're going to plead the fifth. So if I know they're going to take the fifth, I have to voir dire the jury, make sure the jury is out of the-- out of the hearing room or the trial courtroom, I have to ask a series of questions in front of the judge. And the judge typically will ask a series of questions. And after that, if he or that witness, she, pleads the fifth, their testimony cannot come in, nor can they testify in front of the jury. So what happened in this case, everybody, including the prosecution and the judge, knew this individual was going to plead the fifth. Ernest was convicted under felony murder rule, which basically says if a murder happens and in the conjunction of a crime, you're guilty of the murder even though you didn't pull the trigger. And what's interesting is he was 17 at the time, and so he was sentenced to life. Well, the Supreme Court said that that can't happen. So he got resentenced a couple of years ago, and he's doing 26-- a sentence of about 26 years. But what's important about this story is, when it was time for the other two to go to trial, the alleged shooter actually testified, did not plead the fifth. And two juries, his and then the other co-defendant deemed him credible and found him not guilty, not guilty by self-defense. But because a individual was arrested first and he had a lower docket number, docket number means that his case has a lower number as far as one through 100, because they add numbers as-- as arrest in cases are filed. He actually is still sitting in prison convicted of a crime in which the other two were found innocent. All because somebody said they were going to plead the fifth and there was no legal way to put this individual on the stand. It went all the way to the Supreme Court and the Supreme Court said basically, well, you knew what he might have said, although you can't get him on the stand, you knew what he might have said. So therefore, you don't have new evidence for a new trial. So you literally have an innocent man sitting in prison where the co-defendants were found not guilty by a jury of their peers. But we don't want to offer this man a new trial because he knew what really happened, although he had no legal way of getting that testimony. Tell me how that's a fair and just system.

**LINDSTROM:** One minute.

**WAYNE:** So I have an amendment that I'm going to bring that's going to allow a new trial on Senator Lathrop's bill for individuals who are stuck in this area where somebody pleads the fifth, but then later in a trial offers that evidence that you had no legal way of getting

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there. So that'll be a conversation we get to have and I'll pass out the Omaha World-Herald story where everybody knows it's unjust. But it doesn't matter. And I can tell you there's at least four or five other cases we're going to talk about today where it's a similar procedural thing. And despite the fact that these people are innocent, there is nothing they can do and they continue to sit in prison. I don't know how that's right. I don't know how that's fair. I don't know how that's just. But I do know we--

**LINDSTROM:** Time, Senator. You're next in the queue and this is your third time.

**WAYNE:** Thank you. I do know that we have failed this individual and failed others. So, again, the grand-- the Supreme Court upheld the jury's verdict and said basically there is nothing we can do, it doesn't really matter. Despite the fact that similar things have happened with the Beatrice Six, and the arguments are very, very similar, but in this case because there was DNA evidence in the Beatrice Six, it was deemed new evidence. And I just feel that is completely wrong. Will Senator Chambers yield to a question?

**LINDSTROM:** Senator Chambers, would you yield, please?

**CHAMBERS:** Yes.

**WAYNE:** Senator Chambers, the story I just told, in your years of being in this body, how many times have you come across those kind of stories?

**CHAMBERS:** Those types of stories, without me being able to specify right now because I wasn't prepared for the question, I have seen those kind of things happen in Amer-- in Nebraska, and I've read about them happening frequently all over this country. And it could be handled by a Supreme Court because there is a term, sua sponte, which means on its own motion. And the other has to do with the powers, the inherent powers of the court. I was able to use these two arguments to persuade the Nebraska Supreme Court to withdraw a death warrant they had issued for Carey Dean Moore, when the case was in a status where nobody could file anything in his behalf. I'm not a lawyer. I didn't feel bound by that, so I wrote a letter. A majority of the court accepted my letter, agreed with the argument, withdrew the death warrant. So there are ways right now that any state Supreme Court or the U.S. Supreme Court could correct those injustices.

**WAYNE:** Thank you. And just so the colleagues know how this is going to operate today for me, on this bill I'm just going to speak the three

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times. But as we get to my bills which is next, I'm filing motions to just take up the whole time and I'll withdraw that motion and file a new motion. I might even file a motion to reconsider, but I'm put in an interesting spot because if you look at the schedule, the agenda, there are a lot of my bills. And I'm going to take time on all of my bills because it's not just about my bills passing anymore. It's about how we run this body and how we operate within this body. And if my bills don't pass, that's fine. It's six months to the new session. There'll be a change of a lot of positions in here. Six months, I can reintroduce the same bills. The African-American Commission can come back again. My priority bill can come back again. I am OK. But what I am not OK is moving into next year, next session with how this process is working and being accustomed or being the way that we operate going forward. We can't be told that there's 90 million on the table. We can't be told that there's 235 in which the federal government now is saying they're just gonna give to the states, at least that's essential to the agreement. And there's a bill out there that I want to see on the floor from Senator Briese, an amendment regarding decoupling, which is another 125 million this year. We need to have conversations about this. We need to be able to have A bills on the floor and talk about whether we as a body think out of the 90 million that should happen. And I'm not going to let go of the fact that rural work force housing have 10--

**LINDSTROM:** One minute.

**WAYNE:** --got \$10 million when we killed a bill to do the exact same thing for urban housing. The prudent thing would have been-- the respectful thing would have been the collegiality that Senator Groene talks about would have been, we have 10 million extra, which I don't think we really do anyway, but let's divide it five and five. But we chose to say, no, let's kill Vargas' bill and let's put 10 million into rural. So that's 18 million over three-year period. I'm not OK with that. So I understand how Chambers got to where he is, where he just wants to spend time talking because he's using the one tool that we have as individual senators and that's time. In my first three to four years here, I never used that time. I tried to work out the deals.

**LINDSTROM:** Time, Senator. Thank you, Senator Wayne. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you, Mr. President. And Senator Wayne, I appreciate what you're doing and the methodology and it's within the rules and you can raise issues that ordinarily would not come up on this floor. But when I would get ready to undertake one of these moves, sometimes

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I would regale them with a few words from a song by the Rolling Stones. [SINGING] Time is on my side. Yes, it is. That would let them know that I am as serious as a heart attack. And I have a very ornate hourglass, it might be about eight inches tall. It's wrought iron. It has jewel-like stones in it and it actually keeps time. So when I was going to embark on one of my very lengthy discussions about issues, I would set that hourglass on my desk. And that's when they knew that I was dead serious. Since Senator Wayne wants to take time and he's going to do it on his own bill, and I approve of his methodology and especially the underlying issues that are leading him to do this, I shall plug into his effort, and if it were bothersome to him, I would not do it. But anytime that I felt it was necessary to use time because of the wrongful course of the Legislature, then I would take that time and nobody could persuade me not to. But to show you all how I think and other senators don't, we had then what is called consent calendar. These had to be bills that were advanced from the committee, no negative votes, not controversial. So one time there were over a dozen bills. I thought it was a waste of time taking each one of those bills and just going through the motions on each one and since I had no objection to any of them, it didn't matter to me if anybody else had objections because I could just steamroller. We're being frank this morning. I could steamroller over any of that objection. What I did was something that had never been done before, has never been done since, I drafted a motion, listed every bill on that motion or in that motion and moved that they all be advanced from General File to Select File on one vote that would apply to all of them. Naturally, the senators, never having seen it, were nervous, jumpy. Some opposed it. But guess what happened? The motion was adopted. All of those bills moved on one motion and a lot of time was saved. I know how to save time. I know how to use time. And I know how to take time. Also, my backbone, my spine is composed of bone, not jello, not banana, but bone as hard as stone. And sitting atop that spine is a skull, which encases my brain.

**LINDSTROM:** One minute.

**CHAMBERS:** That skull is as hard as a rock. And when I tell people that, they say, well, why are you gonna say that? I said, when nature is protecting a precious treasure, just like a bank has an almost impregnable safe, you have a thick wall to guard a precious treasure. Then I'd look around the Chamber and I'd say, now you all have little eggshell, thin skulls because not much is in there worth keeping, but you need some kind of container to keep it from spilling out and making a mess everywhere. And then when they really get me upset, I will tell them I was wrong. You all do have a thick skull, every one

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of you. But it makes it impervious to new information. And the question that I ask Mother Nature, respectfully, Mother Nature, why did you provide so thick a wall to guard so poor a treasure?

**LINDSTROM:** Time, Senator.

**CHAMBERS:** Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Chambers. Senator Dorn, you're recognized.

**DORN:** Thank you. Thank you, Mr. Chairman. Sitting here listening this morning, listening the last few days, or I guess I call it the days we've come back into session and listening. A lot of the comments are a lot of the-- I don't know whether it's an agenda. I don't call Senator Wayne's what he's doing an agenda, I think that's a strong belief on his part. I have no problem with that as what Senator Chambers does. And Senator Chambers here just mentioning the one thing that we have is time and how we use that time and how we allocate that time or what we decide to do with that time, whether or not we decide to work through our issues and pass bills, how important is that? How important is that to this body? Or is it important that we as senators we get to make sure, and I have always believed that one of the things we have in the United States here that is so important is the freedom of speech that because we do have freedom of speech, we get to have or we have the opportunity to be heard. We have the opportunity to voice what we maybe believe in, but we have the opportunity to make comments. This morning I had a phone call from somebody, they disagreed with how I voted on several things. We had a good discussion about why I decided to do what I did. They had a good comments back to me of why they thought I was wrong. And yet we-- we left that phone call and we both agreed that we had a good conversation. And I think that's part of what's going on here. As a newer senator, now only being here our second year, part of these conversations when they've gone on, haven't really got up and taken a real active part in them. But when Senator Wayne here this morning mentioned the Beatrice Six, it brought back some things to me. I know this body-- we had a lot of discussions last year, but it also brought back some things to me and I sit there and he talked about how the young individual ended up through the system where he did in jail and how some of them with a jury trial now were not in jail, if I understood him right. And that how the Beatrice Six had a DNA sample and that was how it came about, all of it, or whatever. Couple of things I just wanted to point out quick on that. I've tried not to bring that up here on the floor very often, but the DNA sample. I want people to remember it was taken early on. The test was wrong. It was tested right 20 years later. That

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created a lot of issues. Another thing we did have one of the six from the Beatrice Six that was tried in a different county by a jury and they were found guilty by a jury. And I've often asked the question, and I have not had a good answer other than why is that person now-- the county deemed liable for that person? Because we had a jury trial. And I know a lot of lawyers will explain that to me and have explained that to me. But Senator Wayne's individuals here with a jury trial were found innocent, and yet in our jury trial they were and now the county is responsible for it. I will try not to talk about the Beatrice Six that much again. That's another whole issue that we can talk about some other time. But I do believe that Senator Chambers, Senator Wayne, Senator Friesen yesterday brought forward that bill. I thought we had a pretty good discussion on it.

**LINDSTROM:** One minute.

**DORN:** We had a-- thank you. We had a discussion on Senator Friesen's bill yesterday on some things that were very, very important to people. And I think he-- he found out-- a lot of us found out why it was important to people. But we also got to have the discussion, which 40 other senators don't get to have and that was in Appropriations. We have nine senators in Appropriations. We have a lot of committees with seven, eight people on there. I've often told people I wish I could go sit in that committee this afternoon and listen to that conversation, because I would know that bill better when it came up on the floor. Part of what we have here is a system that doesn't allow that. We have as a body, we have those rules. Senator Chambers always talks about the rules. That's the one thing I'm going to dearly miss from him when he's not here is the rules and the explanation of the rules and how we go through those. And that is so important to this body in that we maintain--

**LINDSTROM:** Time, Senator.

**DORN:** --the importance of that. Thank you.

**LINDSTROM:** Thank you, Senator Dorn. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you, Mr. President. And before the last speaker's seat gets warm, he just sat down, there are not many things that are considered large issues that pass through this Legislature that I didn't have something to do with. Many years ago, I became aware of DNA, the double helix. I had no idea what that was. But once I became aware of it, then I saw a way that perhaps could correct some injustices in terms of people having been sentenced for crimes that

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they did not commit. So not being an expert on DNA, I contacted a lawyer in Omaha who is a member of a National Lawyers Association to see if he could find any law in any state dealing with what I had in mind. He couldn't. I asked him-- he checked the federal because I didn't have time to comb the federal statutes. He couldn't. So starting with just my mind and a belief that there is a way to bring justice, I fashioned a law that is on the books today. And in order not to go into the technicalities, it says, in effect, any crime that had been committed however long ago, if biological evidence had been retained, the person whose trial led to a conviction could obtain DNA testing of that evidence, and if the person was unable to pay for the test, then as an indigent, that test would be paid for. So the DNA testing that freed these six people happened because of a law I got put on the books. You all have no idea how much I work-- work I did in this Legislature in the realm of criminal justice, overall fairness to people. So when you can broaden your scope, look at issues that may not affect you, your family or your friends, but it's societal, and we have an obligation to represent the best interests of people, advance the causes of society, we pick those issues that nobody is dealing with, but they are essential to the administration of justice and the correction of injustice. So that law is based on what I had done. Something else that doesn't exist in any other state that I'm aware of up to this time, when I was studying the law to deal-- that deals with grand juries, there were several things that happened that made me have that interest and I'll have a chance to take each one up today. In a grand jury anybody can be called to testify, but anybody can take the fifth when you are before a grand jury. But nobody could take a lawyer into the grand jury room. Well, what I did was to study cases, look at the kind of questions that are posed to people, and sometimes a person might say things that implicated himself or herself. Now a lawyer could be outside the grand jury room. The witness could go out and talk to the lawyer. But there are statements, there are charges in that grand jury deliberation and technical legal terms are utilized.

**LINDSTROM:** One minute.

**CHAMBERS:** So the witness may, in ordinary parlance, go out and try to relate to the lawyer what the question was that was posed. The lawyer might or might not get the whole picture. So, in effect, that person had no legal representation. I got a bill through the Legislature, and I don't know that it exists in any other state to this day, where a person can have a lawyer in the grand jury room and consult with that lawyer. But the lawyer cannot question the jurors or comment. The only purpose of that lawyer is to represent the individual. I'd never at that time been called before a grand jury, why in the world would I

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look out and see these kind of things and do something about them when they didn't affect me? I took my job as a member of the Legislature and a lawmaker very seriously. So Nebraska has some of the most advanced legislation.

**LINDSTROM:** Time, Senator.

**CHAMBERS:** Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Chambers. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. I just wanted to very briefly rise this morning to let everybody know that I tested negative again for COVID this morning. It was my second negative test and I have been medically cleared to return to the floor. Thank you, everyone here and throughout the state of Nebraska who sent prayers and kind messages over the last few days. My family and I really appreciate it, and it's good to be back. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Slama. Senator Chambers, you're recognized and this is your third time.

**CHAMBERS:** Thank you, Mr. President, and Senator Slama ought to thank me for not praying for her because had I done that she might not have had as much good luck as she did because I'm not on the best of terms with the ones to whom most people pray. But it is good that she's here. I hope that Senator Morfeld has similar good luck. And I'd hate to see anybody fall under the power of Cyrus the virus. That is not anything to be played with. I'm not a doctor again, not a scientist, but I read. I've read what it takes to put a tube down somebody's trachea. And I'm not gonna describe it, but it is not pleasant for the patient who may not even be conscious, for the person who is trying to put it in place and after it is in place. But anyway, to get back to what I was saying, the grand jury is a secret proceeding. I don't think there ought to be such a thing as a grand jury. It's like a star chamber. Things happen. You don't know what rules are being followed or not being followed because all of their proceedings are secret. You have no way of knowing. Now, if a person is called before the grand jury, he or she is free to say what he or she testified to, but only that. Nothing else can be said. Grand jurors cannot be questioned afterward on how they voted on any issue and they are not free to discuss any issue. Well, police in Omaha kill people, not just black people, but just white people-- but also white people. In those days, there were not many things that the newspaper had to cover, had the opportunity to cover that dealt with misbehaving cops because nobody

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would do it. But even though I was young, I saw injustices and the way people were killed who were not armed, they were fleeing. They were shot in the back and nothing ever happened to the cop. And that's the difference between people who in their community. Now, people talk about black on black crime, but if you go to the white community is white on white crime, the Jewish community, Jew on Jew crime, and the Italian committee-- community, Italian on Italian. People commit crimes when they are of a mind to do so against the people that they live around. The difference is that if the shooter in a community shoots one of his or her own kind, so to speak, and is caught, that person is brought before the bar of justice and sentenced. When the cops do it, they get away with it and they're sworn to uphold the law. And that's why a community is far more outraged when a cop kills somebody than when somebody in the community does it, because the cop has taken an oath. He's been given power to use lethal force, and nobody else has that authority in this society without a trial, without a conviction and without a sentence. That cop can be all of them, judge, juror, and executioner and get away with it, and they're still doing that. I would-- at that time, there was a county attorney named Donald Knowles. He was known as Pinky Nose. He was not fearful toward me, I guess, because he had confidence in what he did. There was a city prosecutor at that time. I don't remember his name right now.

**LINDSTROM:** One minute.

**CHAMBERS:** They've had more of those. They would give me police reports and I would comb those reports, find the contradictions, the flaws, and the media would cover these things. The public would then be outraged, but still nothing would happen. The prosecutor would not bring a charge. So I had to find a way to do something about that, and I'll explain that when I'm recognized again.

**LINDSTROM:** Senator, that was your third time speaking on this motion. Seeing no one else in the queue, Senator Crawford, you're welcome to close on your motion to return LB323 to Select File. Senator Crawford waives. The question is the motion to return LB323 to Select. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 27 ayes to place the house under call.

**LINDSTROM:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return

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to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Stinner, Bolz, Hilkemann, Brewer, McDonnell and Vargas, please return to the floor. The house is under call. Senator Bolz and Stinner, the house is under call. All senators are present. The question is the motion to return LB323 to Select File. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk,

**CLERK:** 41 ayes, 0 nays to return the bill to Select File for consideration of AM3118.

**LINDSTROM:** The motion is adopted. Mr. Clerk. Raise the call. Senator Crawford, you're welcome to open on AM3118.

**CRAWFORD:** Thank you, Mr. President. Colleagues, I appreciate that positive vote to move LB323 back to Select File for this amendment. This amendment is a-- is a-- pushes the date out one year for this much-needed update in our Medicaid Buy-in Program that allows those with disabilities to work and work more hours and earn more money and contribute to their own Medicaid coverage. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Crawford. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you, Mr. President. I am not opposed to Senator Crawford's bill or any of the bills, but the promise being made must be kept. And at some point I'm going to discuss what was going on when Abraham Lincoln made that statement, which I often will invoke. I was talking about the killing of black men by the Omaha police, and it happened on a relatively regular basis. The cops were always exonerated and they had another favorite tactic. They would deliberately help drug dealers. And here's how they do it. When they had a search warrant, it might be for 2505 Corby. Well, the drug dealer is operating next door at 2507. So what they would do is go to the ded-- next door neighbor's house and make a lot of noise like they're trying to break in. And that gave the drug dealer notification that the cops are on the loose and anything they had was done away with. So when the homeowner would let him know, nobody like that is here, look, that's not even this address, then they would apologize. Then when they went next door, they found nothing. You all don't believe that cops are corrupt. There are cops who deal with regular crime, shootings and so forth. Then they have a narcotics squad. What the narcotics squad would do is take somebody under arrest for committing a regular run-of-the-mill crime and would tell that person, if you help me get some information on those dealing drugs, I'll make sure that you're not charged with this crime that I arrested you for.

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And that's how a lot of criminals who use guns in our community would get out when people saw them having been arrested. Then when you turn it the other way and a cop who handles regular crimes would arrest a drug dealer, then he'd tell the drug dealer, if you can help me get the goods on this guy who's been shooting the wrong people, I'll make sure that these drug charges are dropped. In other words, one dirty hand in the police department washed the other dirty hand, and the black community suffered in both instances because we would see the drug dealer arrested and he's back on the street. We'd see the shooter arrested and he's back on the street because the cops were using them as snitches and what happened to the community meant nothing to the cops. But their arrest records did mean something to them. That's another of the corrupting thing that happens in our community that it doesn't happen in yours and you don't believe that it happens. And this morning, I'm speaking for the record, not to the people sitting here. And I found out how many people, not all of them, I found out that there are a lot of people who watch what we do here. And in these days there are not a lot of places to go, not a lot of things to do, and they actually watch the Legislature. So I'm speaking to them, letting them know the work that I have done that these people who are now in the Legislature have no idea about. The Governor has no idea about it. The Attorney General, because they don't read and they don't have to read because they're white and they are not held to any standard other than to be--

**LINDSTROM:** One minute.

**CHAMBERS:** --a member of the political party or the good ol' boys club. And that good ol' boys club will decide which women get a chance to come to the Legislature and they'll gang up on a woman who's never done anything wrong and destroy her. And I'm looking at this thing I handed out today with that picture. You know, where I was when that photograph was taken? Standing in the Legislature like I do. How did a picture of me beat-- who took a picture of me in the Legislature, first of all, then used it for a political purpose? That's what you don't allow. Maybe with all these telephone gadgets, you have people taking photographs, turning them over to the Republican Party to be misused in this manner. I'll turn on my light again. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Chambers. Senator Wayne, you are recognized.

**WAYNE:** Thank you. Again, I support the amendment. The goal for Senator Crawford's bill was I'm not going to file a motion, I'm going to speak three times. That should take us to about 11:00 with everybody. And

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then on my bill, after Senator Vargas' motion, I will file amendments and we'll spend a lot of time talking about redlining, middle housing and why how it's all connected in SIDs. So we'll have that conversation that probably will take up the remainder of the day until we get to the 1:30 agenda. And if we do some she-- shenanigans again, where you call the question and people haven't talked in the queue and whatever happens, then we'll just go back to bills and we'll finish out. But the goal moving forward will be moving one or two bills a day and that's just where it is. And maybe not even move a bill at all, depending on how much I want to file. The reason I brought up Mr. Jackson and his case is because although we think things happened a long time ago, that just recently happened. So I would like to ask Senator Chambers a question.

**LINDSTROM:** Senator Chambers, would you yield, please?

**CHAMBERS:** Yes, I will.

**WAYNE:** Senator Chambers, I obviously was not born during this time and you were around and kind of lived through this. Can you enlighten people who may not know about the Poindexter case and that situation and how the legal system and the Supreme Court has also failed that individuals from-- or those two individuals from reaching their freedom before one of them untimely passed?

**CHAMBERS:** This is a situation that involved an explosion. Early one morning, a call was made to the police department that a woman was screaming in a vacant house. That call was recorded. When the police officers went to this house there was a two-person car assigned, because it would have amounted to a burglary or a housebreaking. Then there was a car containing a man named Minard, Larry Minard, and he was not in that district. He left his district to go to that house and he was known to like-- he was known to bust heads and enjoy it. So here it is, 3:00 in the morning. No witnesses. A chance maybe to catch somebody black and bust some heads. From the story that was told by the cops, they went into the house and Minard, who was out of his district, saw a suitcase. He went and he opened the suitcase and it was booby-trapped. He was blown up and seven cops were injured. At that time the Black Panthers were organizing in Omaha. Two of the intellectual individuals, they were educated. They were what white people call articulate, explained what the Black Panther organization was about, the things they did, the things they did not do, how not to violate any laws and give a chance or an excuse to the police to come down hard on the Black Panthers in Omaha, as they did in other cities. At that time, the Black Panthers did not carry guns. What they had done was set up what they call a Vivian Strong School. This was a

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14-year-old girl who was shot in the back of the head by a cop named James Loder and he went to trial on a charge of man's laughter. Oh, they pronounce it manslaughter. The white jury acquitted him. A 14-year-old girl running away and he shot her in the back of the head. Well, why was she running? In the projects--

**LINDSTROM:** One minute.

**CHAMBERS:** --where they had vacant units, they would allow children to come in there with a record player and they would hold dances. And when the cops would come, because they like to meddle wherever black people gathered, the kids weren't doing anything wrong, but they run from the cops because that was a part of the game. Well, this cop got out of his cruiser and shot her in the back of the head and he told another cop, I cannot stand anybody to run away from me. After she fell to the ground, and this was established in the police reports, he came up and he turned her over with his foot. That's one of these rotten, no good white cowardly cops did. So in honor of that young girl who was murdered by a cop, the Panthers set up not a school in the traditional sense, but they provided breakfasts, lunches and food for children who were--

**LINDSTROM:** Time, Senator.

**CHAMBERS:** --attending school, but they were poor.

**LINDSTROM:** Thank you, Senators Wayne and Chambers. Senator Chambers, you're next in the queue.

**CHAMBERS:** Thank you. They, in the police department, did not want the Panthers to get a foothold. So what they decided to do was to cut off the head, because in boxing there's an expression, kill the head and the body dies. Ed Poindexter and David Rice were the intellectuals. David had gone to Creighton and they were the ones who were the brains of the organization so they had to be gotten rid of. Neither one of them was a person of violence. I knew both of them personally. When they were arrested, again, it was just a false arrest. It would be easy to show they had nothing to do with anything. But as it turned out, they were put on trial and charged with the killing of this cop, convicted and given life sentences. Well, the phone call was made, they said, the police said by a 14-year-old kid named Duane Peak. I knew him also. He had a high-pitched voice anyway, but especially so. Everybody knew that. Some people called him squeaky. That recording was deliberately concealed by the agent in charge, the special agent in charge of the FBI. That recorded phone call was never produced and never heard by the jury. Somehow it did surface and the voice on that

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tape-- if any of you all have heard-- heard James Earl Jones, you may think you haven't, but if you've gone to see Star Wars and you heard Darth Vader, the voice of Darth Vader is James Earl Jones. And in modern times, he will give commercials for Wendy's. And he says, we have the meats. Obviously, his voice was that of a mature, grown man. There is no way that Duane Peak could lower his voice that many octaves and produce the sound on that recording. But they never produced it. I sat in the courtroom when they were questioning Duane Peak and he sat there like any child. He was nervous. He was trembling, kept his eyes down. He didn't answer loud. He'd have to be told, would you speak up? So when he did speak up, he said that he did not-- because he supposedly implicated Ed Poindexter and David Rice as the ones who told him to plant the suitcase. First of all, they would not have sent a child to do that kind of thing. But that's the story that he told, this young kid. And when he was on trial, he was there as a witness at the trial in the morning session, he was recanting everything that the police had gotten from him through hours of interrogation without a lawyer. Well, in the courtroom, I guess Duane felt there might be a little more safety, so he was recanting. The prosecutor asked for a recess. The judge granted it. When they came back that afternoon, Duane Peak was wearing dark glasses. And when they were-- began to put questions to him,--

**LINDSTROM:** One minute.

**CHAMBERS:** --the prosecutor, then Duane answered because they were yes, no questions. Did they do this? Yes. Did they tell you to do this? Yes. Those kind of questions. When time came to be cross-examined, the first thing the lawyer said was, Mr. Peak, remove those glasses. And when he took the glasses off, there were welts under his eyes. His eyes were red. He had been crying. And it was clear what had happened to him and there was an audible gasp in the courtroom. The lawyer made a fatal mistake, in my mind, even though that gasp was heard in the courtroom, it would not be on the record, he should have described what Duane Peak's face looked like that all of us saw. The conviction occurred. These men were sentenced, served life. David has died while in prison.

**LINDSTROM:** Time, Senator.

**CHAMBERS:** Thank you, Mr. President.

**LINDSTROM:** Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. The reason I asked that question is because while these cases are some 50-years apart, these cases are

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everyday reminders of the injustices that are faced in our criminal justice system and the distrust that is built between prosecution and the community and police in the community. So I'm going to give you some insight on where I am and why I'm here. I've watched for three years rural senators talk about property tax. And beginning of this session, a bill went down in flames because they joined up and said we want property tax relief before we do incentives. And that anger, that frustration, that demand for some change hit a boiling point for the people they represent. Well, that boiling point for my community, and we went through what my community is, happened when we had the COVID outright-- outbreak. Happened with George Floyd, George Floyd. It's a culmination of a lot of things and I know another Senator wants to talk on this today so I won't steal it but look at the World-Herald today. It's a combination of systematic things that are happening. And due to term limits and due to how I've seen how this body functions, big changes take one or two years. Bigger changes take three or four years. And now we're at a point because of budget reasons, we're kicking things out till after you're not even here. So looking at those factors, looking at what I see is systemic and systematic racism and discrimination and class warfare, I don't have a choice. So while some of my colleagues are like, Senator Wayne, we used to work with him, we used to do X, Y and Z, and yes, all of that was true and still is true. But you get to a point where you're tired, you're tired of going back to your community and seeing the problems that we are failing to address. So at some point, you have to draw your line in the sand and say, that's it. And for me, this session is over with. I'm waiting for one bill to be passed on Final Reading, and I will be making motions to adjourn. What I am doing now is for the next session so that people are crystal clear that I'm willing to die on the vine for the community I represent on specific issues. People don't hear me talk a lot about social issues. We are in a capitalistic society. In order for equality and equity ever to occur, it comes to economics. But when we talk about economics, when we talk about poverty in this body, it falls completely on deaf ears. When we talk about empowering communities to make truly their own choices, we find an excuse of why we can't get it done. We find an excuse to feel comfortable--

**LINDSTROM:** One minute.

**WAYNE:** --and justify why we are still oppressing people. We find an excuse of why we can't right the wrongs of some of the past, even though we know it is direct linked to what's going on today. In four years, I thought we would be farther along. And it's not just conservatives I'm talking about. It's people on my side of the aisle. We don't really want change. We don't really want property tax relief.

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We want to be able to say that that person voted for it and that person didn't vote for it. We want to be able to say that you stood up and said, hey, I tried. So, yes, people are going to get very frustrated.

**LINDSTROM:** Time, Senator, but you're next in the queue and this is your third time.

**WAYNE:** People are going to get very frustrated with me. People are-- we're gonna have some bridges, I guess, get burned. But it allows me to walk back to my community, allows me to look in the mirror and say I did-- I used every option because I played by your rules. I sat down and negotiated over and over. But when it came to the big items that could actually make a difference, we ignored it. As a check-off list for a state senator, it's been a pretty good run. Overrode the Governor, got a motion to suspend the rules. I got a felon voting all the way to the Governor. Never thought that-- I would have got that done. But when it comes to the real economic change, I can't get it out a committee or we can't have a real conversation. And I'm tired of that. My community is tired of that. Story after story shows the educational gap. But we say we need to put more money into schools. Sounds good. But what are we doing with the current money we're currently using? Are we targeting interventions that need to happen? I was on a school board. We had a lot of hard conversations about turnaround schools and things that we were trying to do strategically. Go read the OPS strategic plan. You want to provide intervention, allow stu-- teachers to intervene. When, in 2013, observers said in a nice way, teachers in this have a little bit of implicit bias, they called it a lack of respect for cultures. That wasn't me saying that. But we want to ignore that. We want to ignore the procurement process where we have company after company all the way from Canada building things, but we can't have anybody local bid on that same project. Because backroom deals. We want to talk about prison reform, but we don't want to really talk about how they get there. You tell me what city code violation ever should warrant jail time, the first time. Everything should be diversion but we have people who sit in jail longer than their sentence. They are charged with a city crime and by the time they get their hearing or their trial, they've actually sat in jail longer than if they would have ever pled guilty and been sentenced to the maximum. I brought a bill on that and it was shocking to some people that actually happens. You have people who walk into county jail-- or a county court for a misdemeanor driving under suspension or failure to yield, they think it's a traffic. It's actually a misdemeanor. And you get three or four of those. Then if you ever really mess up on something, they go back and look at that

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and say you have constant contact with law enforcement, maximum penalty. But we ignore the fact that we over patrol east of 72nd Street. We have a Supreme Court case in which a police officer was deemed not credible and yet--

**LINDSTROM:** One minute.

**WAYNE:** --he still works for the force. Judges deemed him not credible, but he still works with the force and makes arrests and still signs affidavits for warrants. Now, I understand, I have friends who-- and family members who work for police. There are a lot of good ones. But how do you put those two things together when a judge says you are not credible, but you can still work for the force and sign affidavits for warrants. How do I explain that to my community? How do I explain that we don't have affordable housing because SIDs, you can get tax breaks and bonds and free and low-interest loans on bonds to build, but in urban areas, you can't. The only mechanism you have is TIF. And by the way, SIDs they sometimes get TIF too. Depends on how you set it up.

**LINDSTROM:** Time, Senator. Thank you, Senator Wayne. Senator Chambers, you're recognized and this is your third time.

**CHAMBERS:** Thank you. Mr. President, I want to finish up what I was saying on the case of David Rice and Ed Poindexter. In prison, David took the name Mondo. By the way, when that recording surfaced there had been people, including a former U.S. Attorney General, who intervened on behalf of David and Poindexter to try to get something done, unsuccessfully. There was a Catholic priest. The same thing, unsuccessfully. That recording was never a part of the evidence. And when it became public, the black community was shocked. Nobody believed that David and Ed had done this anyway, but the fact that something like this existed and had been concealed by the FBI for all that time was unheard of. We were naive enough to think that there are certain things the FBI will not do. They'll do anything. So when I condemn these cops, you need to know our experiences as a community with these cops. I handed you all, and most of you probably didn't read it, a transcript of how I was on private property where I worked and I was arrested for looking at a cop. Charged with interfering with an officer and disturbing the peace. It was thrown out, but I was taken to jail. I had to get a lawyer and then go to trial because some no good, rotten white cop didn't like me looking at him while he was blocking the bus zone. And an elderly lady wanted to get on the bus, but she's black, so she didn't count while his partner went into the fish house, as we call it, to get sandwiches during the duty hours and not lunch. That's what has happened. I have arrest-- an arrest record. So why am I in the Legislature? No convictions of anything that would

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keep me out of the Legislature. Now, I've had traffic tickets. When they had me dead to rights, I would not even fight that ticket. The others where I thought they were wrong, I fought and won cases against Vascar, radar, aircraft clocks. All of them, won cases. My name is in all of these law books where they publish cases that were won in state Supreme Courts and lawyers in other places would ask the city prosecutor when he went to prosecutor meetings, convention, who is this state senator who wins these cases and has rewritten the law on speed detecting-- detection devices in Nebraska. You all didn't know that, did you? These rotten people who put this thing out on Miss Palmtag and superimposed a picture of me that was probably unlawfully snapped in the Legislature, they don't know what I've done. You all don't know. If you did, you would have accord some credibility to what I say when I indicate and chastise you all for not speaking up for that woman who's being attacked. You all speak up for Senator Slama because she's your pal. She's one of you. But the woman down there who's being hung out to dry, character-assassinated, credibility undermined, destruction of standing in her community--

**LINDSTROM:** One minute.

**CHAMBERS:** --and I'll continue to speak out for her, cause that is unjust, it is rotten, low-down and inexcusable. There's no way I would let somebody tear down an innocent person to try to build me up. I'd say, hey, that's not the way I operate, and if I had operated that way you could say I have absolutely no integrity and are not worthy-- am not worthy to hold an elected position of trust. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Chambers. Senator Chambers, you're in the queue but that was your third time. Seeing no one else in the queue, Senator Crawford, you're welcome to close on AM3118.

**CRAWFORD:** Thank you, Mr. President. Colleagues, I urge your green vote on AM3118, which is a date change for a much-needed update to our Medicaid Buy-in Program that allows individuals with disabilities to work and contribute money toward their own Medicaid coverage. I urge your green vote. Thank you, Mr. President.

**LINDSTROM:** Thanks, Senator Crawford. The question before us is the adoption of AM3118 to LB323. All those in favor vote aye. There has been a-- technically we are on Final Reading, so if we could have the members check in, please.

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**CLERK:** OK, please see if you can vote for me. Press your green lights, if you would, please. Oh, hang on just a second, maybe I-- how about now? Please check-- please check your green lights. Thank you.

**LINDSTROM:** Senator Wayne, could you please check in? Senators Pansing Brooks, Vargas, Morfeld, Dorn, please return to the Chamber and check in. The question before us is the motion to adopt AM3118 to LB323. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to?

**CLERK:** Senator Morfeld, forgive me, yes-- you're voting yes.

**LINDSTROM:** Record, Mr. Clerk.

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

**LINDSTROM:** The amendment is adopted. The advancement of the bill is debatable. Senator Wayne, you're recognized.

**WAYNE:** Thank you and we're almost to that 11:00 hour and again, I'm not going to file motions on this bill. I'm not going to hold it up any longer than that. I'll speak three times and gladly sit down and move forward to Senator Vargas' motion, which I think is important. And then starting on my own bill, we'll just spend time. So I'm not picking anybody's bill. I'm starting with my own bill to spend time. So I'm going to tell you about another situation that happens quite often. And it deals with married couples and sometimes not married couples, which is a little bit everybody. So I had a case once where the lady left Alabama from an abusive relationship. She came to Omaha and was living here for about 10 years. But she never got a divorce, primarily because she could never figure out where her husband was. And at the same time, she didn't want to disclose where she was for fear of her own safety. So actually, she wasn't my client, but her boyfriend, who were together for two or three years, was my client. And what happened in this situation is CPS got involved. A baby was born. And there was drugs in the system. The caseworker and everybody knew who the father was. I'll add to the fact that the woman was white and the individual I represent was black and the baby was mixed. Her husband was Irish. So just on the face of it, wasn't his kid, but-- nor have they seen each other for 10 years. So in the initial affidavit, they initially charged my client with child abuse and neglect, but then they dropped my client once they found out she was still married 10 years ago. That's important because we have a law here-- or a law here that says if you're married, the child is presumed to be of the mother and father who's in the marriage. And the

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only way you can disprove that is through DNA. Now, that's interesting because the child is now in the custody of the state and still is to this day. And the state would not make the child available for DNA testing because from the state's perspective, they already got both parents, even though everybody knows and the judge knew and everybody knew the Alabama dad was not the dad. So this individual wrote a letter back to the court. I was appointed to the case and he wanted to, quote, intervene. He wanted to intervene because he wanted the child to come home with him. Why was that important to him? Well, one, it's his child, but two, he's from Africa and part of their culture is your bloodline is part of who you are. So what typically happens in this culture is they don't just pray to a god. They also pray to their ancestors and their thought process and the league-- and the logical reasoning is all of their ancestors made you who you are today, so they still have a stake in it, because if you die or you don't do something right, it reflects on them too. So you often seek guidance from your ancestors. So their bloodline is really important to them. So we filed a motion to make the child available. We did all the legal maneuvering, but the state said no. And the judge said no. At the end of the day, we have both legal parents. And the only way to disestablish paternity is through DNA. It is not through any other ways, even through affidavit. So we have a child right now in the welfare system and a father who has no ability to access that child, and that is still today. I can tell you this happens more than not. There was a recent Supreme Court case where this kind of happened again. And the state is under no obligation to make that child available for DNA testing. So I just want to put that in perspective of these are some of the social injustices that continue to happen. And again, if you can't afford an attorney, you're just out of luck. Nothing you can do. There's no appointment. In this case the judge did appoint me, but she didn't have to. I think that's a great injustice. We brought a bill on it. It's been out of committee, but we've never really attached it anywhere, a couple of years ago. But I can keep giving you example after example.

**LINDSTROM:** Time, Senator.

**WAYNE:** Thank you.

**LINDSTROM:** Senator Crawford, you're welcome to close on LB323.

**CRAWFORD:** Colleagues.

**LINDSTROM:** Senator Crawford waives closing. Senator Wishart for a motion.

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**WISHART:** I move LB323 advance for E&R Engrossing.

**LINDSTROM:** You've heard the motion. All those in favor say aye. All those opposed say nay. LB323 advances. Mr. Clerk, next item.

**CLERK:** Mr. President, LB323A on Final Reading. Senator Crawford would move to return the bill for specific amendment, A1-- AM3123.

**LINDSTROM:** Senator Crawford, you're welcome to open on your motion to return to Select File.

**CRAWFORD:** Thank you, Mr. President. Good morning, colleagues. This amendment is an amendment to update the years to match what we just passed as an update to LB323 and I urge your support. Thank you.

**LINDSTROM:** Seeing no one in the queue, the question before us is the motion to return LB323A to Select File. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

**CLERK:** 35 ayes, 0 nays on the motion to return the bill.

**LINDSTROM:** Senator Crawford, you're welcome to open on AM3123.

**CRAWFORD:** Thank you, Mr. President. Good morning, colleagues. Again, this is an amendment to update the date of the A bill to match the date that we just changed on LB323.

**LINDSTROM:** Thank you, Senator Crawford. The question before us is the adoption of AM3123. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 36 ayes, 1 nay, Mr. President, on the adoption of the amendment.

**LINDSTROM:** The amendment is adopted. Senator Slama, for a motion.

**SLAMA:** Mr. President, I move that LB323A be advanced to E&R for engrossing.

**LINDSTROM:** You've heard the motion. All those in favor say aye. All those opposed say nay. LB323A advances. Next item, Mr. Clerk.

**CLERK:** Mr. President, legislative-- we're on General File. Senator Wayne offers LB866. It's a bill for an act relating to cities, adopts the Density Bonus and Inclusionary Housing Act. Introduced on January 9 of this year. At that time, referred to the Urban Affairs Committee.

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The bill was advanced to General File. It was discussed briefly on July 27, Mr. President.

**LINDSTROM:** Senator Wayne, you're welcome to open on LB866.

**WAYNE:** Thank you. Thank you, Mr. President. LB866-- I'm going to take a pause while I pull it up. May I approach-- say, may I approach. May I approach? Because I'm trying to follow procedure. I actually already opened on this and I opened on the amendment, so I just want to make sure. I mean, I can redo my opening but that would be kind of unfair advantage to me.

**LINDSTROM:** Thank you, Senator Wayne. If you wouldn't mind refreshing the members of the body on LB866 and underlying amendment, please.

**WAYNE:** See I follow the rules even when they're an advantage to me. Thank you, Mr. President. This bill deals with middle-- middle housing and what we try to do in the amendment is, there was some opposition to the unfunded mandate that we were putting in our original bill. And Senator Hansen also had another bill that was very similar. And the cities, and there was some opposition testimony and Senator Hansen's bill was LB794. We met with the parties who were in opposition, particularly the cities. And we worked out what is the bill before you or the amendment AM2913. And what this amendment basically does is July 1st of 2021 and every two years after, metropolitan cities and cities of the primary class and cities of the first class with a population of over 20,000 must submit a report to the Urban Affairs Committee. That is the gist of the amendment. There is no opposition to the bill as written. We will spend time on this bill because like I told you, we are gonna go to 11:00 and then we'll spend the remainder of the time, depending on how long Vargas' motion goes before we do recess on this bill. And then 1:30 and we'll keep going the rest of the time. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Wayne. Mr. Clerk, for a motion.

**CLERK:** Mr. President, Senator Hunt would move to bracket the bill until 1:30 p.m.

**LINDSTROM:** Senator Hunt, you're welcome to open on your motion.

**HUNT:** Thank you, Mr. President. Thank you, Senator Wayne. Nothing I'm doing will prevent Senator Wayne from doing what he wants to do today. And nothing I'm doing will prevent us to-- from getting to Senator Vargas' motion at 11:00 p.m. And I don't like being overly provocative, but I also am someone who feels like I have to do what's

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right. And it's a slap in the face to Nebraskans what has happened over the last few days when we can't talk about work force housing fairness or we can't talk about evictions. We can't talk about childcare subsidies or this and that, food insecurity. But the Speaker coordinates an abortion ban restricting health care in the middle of a public health emergency in a pandemic into its own special blessed time slot at 1:30. And here we are today anticipating that instead of all of these other things, prioritizing an unconstitutional restriction on women's health. So I'm making this motion to effectively reorder the agenda because I would like to talk about LB866, an excellent bill which I support and helped work on, at 1:30 today, which is not different from what Senator Geist and the Speaker are demanding that we take up her priority bill at 1:30 today. So if we're talking about what time we want to talk about things, this is something that can actually help people with their housing issues, which goes one tiny iota of an increment toward the things that Nebraskans are asking us to actually do today. With so few remaining days and so many important challenges ahead of us, like property taxes, like the budget, Corrections, Medicaid, juvenile justice, business tax incentives and all of the new issues that came up since we adjourned in March around, you know, helping people who are facing poverty, many of them for the first time. Many of them who feel themselves drowning and then they see us here in the Legislature with a shred of hope that somebody is going to take their problems seriously. And they look at the agenda and they say, OK, so they must be taking this seriously because they've seen our emails and they see that, that it's urgent for so many of us. We're losing our businesses. We're trying to decide what to do to send our kids back to school, when we don't have a paycheck and that pandemic unemployment assistance is running out. And they see, oh, well, at 1:30, we have a very special time slot for a very important special conversation that is actually, colleagues, not even near the top of the priorities of Nebraskans. Before-- before the pull motion on LB814 last Tuesday, I talked to the Speaker because I wanted to know what his intentions were around scheduling the bill. I said, you know, when is this going to come back up? And he's like, well, if it-- if the pull motion passes, OK. Well, we all know the pull motion is passed and we all know that this whole bill is going the whole way because that's the-- that's the math problem that we have in this body, and that's the numbers that we have. And so, of course, you have the votes on your side. But as Senator Wayne and Senator Chambers have said, we have time on our side. And I do not have a problem using that time to refocus the issues that Nebraskans are telling us are so important to them right now. I think-- I thought a lot last night about what Senator Matt Hansen said on the mike, briefly, just talking about how

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he feels like in this body, and I share that same feeling, it's almost like nothing happened between March and July when you talk about the types of issues that we're prioritizing. We have a controversial abortion debate brought on through a pull motion, which was a choice which we didn't need to do. And now it's given its own hallowed sacred time in the slot on the royal legislative schedule and it's going to derail all the other work that we must do for Nebraskans. We face a worsening pandemic that's going to require more time and resources from lawmakers and so far, we have not been willing to give it. But we're willing to give hours and hours and hours to an abortion debate, to an abortion ban that will take away women's health care during a public health emergency. And, you know, of course, there are Nebraskans who think this is important. I know that for many of you, this is your top issue. And I respect that. But if this is coming to you before helping these people in poverty, helping people who have lost their jobs, helping people whose unemployment has run out, oh, like we-- we are not on the same place morally with that in that case. We had Senator Cavanaugh's amendment to appropriate CARES funds, which was a way to start a conversation that the powers that be don't want to have. And we're not having it because they're the ones in control. Senator Morfeld proposed an amendment which was a direct response to the Nebraskans in all of our districts who have reached out to us, who have reached out to me on a daily basis during this pandemic, asking us to protect them from homelessness, imminent homelessness that they are facing. Do we think that cities and municipalities are going to be able to solve all of that? Well, they could certainly help with that if we had appropriated them any funds. On phone calls with public health departments all across the state, which I participated in, which I initiated, because I'm trying to understand what we can do in here to help, the number one thing that they asked us to do was to appropriate funds for local public health, because whether it's at the federal level kicking the can down to the state level or it's the state level kicking the can down to the cities and municipalities and the public health districts, the state, the cities, the public health department, none of them can do anything without any money. Their employees are burning out. Dr. Adi Pour in Douglas County tells me she's having trouble keeping employees there and we can all relate, you get it. You get how strenuous this work is. I know people at the Department of Labor are facing the same thing. So the ask from me, the ask from me has just been that we continue to have an ongoing respect for the urgency of these issues in this body and that we make an opening here for time and space to respond to a crisis that is very real to the people who put us here to do something for them. What are they paying us for? And I'm not talking about the \$12,000, I'm talking about the budget. I'm talking about the federal coronavirus relief

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fund. What are we putting in that money-- all that money in the pot for when people are losing their homes, going hungry, sending their kids back to school to bring a plague back home and kill their grandparents? Don't tell me that's not going to happen. This pandemic is raising issues around inequality in housing, health care, childcare, food insecurity, and every one of these issues is a racial justice issue as well. Business as usual in this session is not OK, and we need a serious response to this moment. The conversations that we're having in this body are not cognizant or respectful of the reality that people are facing outside here in the real world. It's like we're in a bubble here and things are floating along as we left in March without any acknowledgment that the world is not the same. We've got emergency money in the piggy bank. It's wrong when we can't vote on funding for work force housing or evictions or childcare subsidies or this or that that we've had the opportunity to do in the last few days. But then the Speaker royally coronates an abortion ban discussion at 1:30, at its own special hallowed time. Why?

**LINDSTROM:** One minute.

**HUNT:** When I talked to the Speaker Tuesday, I said a lot of what I do on this bill is going to depend on how it's scheduled. And he said, oh, we're gonna treat it like any other bill. If it gets out, it'll go in General File, it'll go on the worksheet just like any other bill, just like any other priority bill. OK, well, show of hands. Who's-- who else's priority bill got its own special little time slot? How many of the rest of you could talk to the Speaker and say, you know, oh, I picked-- I picked my priority in-- in February and it was a bill to restore economic freedom and equality to college athletes who were prevented by the NCAA from earning money from their name, image and likeness. Great bill. Very proud of it. The Governor signed it. Yeah, Megan. Is that helping anybody in the pandemic right now? Maybe marginally? Not really. Maybe if you're a college athlete, but not really.

**LINDSTROM:** Time, Senator.

**HUNT:** But did I ask for a special time to discuss that?

**LINDSTROM:** Time, Senator.

**HUNT:** No, but that's what Geist gets. Thank you.

**LINDSTROM:** Thank you, Senator Hunt. Those in the queue are Senators Chambers, Cavanaugh, Hunt, and Matt Hansen. Senator Chambers, you're recognized.

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**CHAMBERS:** Thank you. Mr. President, I want to finish talking about Mondo and Ed Poindexter-- dexter. When Mondo saw that he was going to be locked up for a long time, he began to do everything he could to help other prisoners. He started organizations. He was like a counselor. The inmates looked up to him and he'd been there many years and he came down with COPD and I think that's congestive obstructive pulmonary disease. And if I got it wrong, well, I'm not a doctor. And he died from it. The last time I talked to him, not too long before he died, he said-- he said brother Ernie-- and he was in the hospital propped up in a bed, he said, I've got to talk to you frankly, like we always talked. I said, OK. What is it you want to say? He said, don't you ever, ever, as long as you're in that Legislature, sing that song called Mule Skinner Blues again. And the last promise I made to Mondo I have kept. Ed is still locked up and he's developed heart problems. He cannot get a compassionate release because he'd have to say he did something that he did not do. He did not have anything to do with that booby-trapped suitcase. So he's going to spend the rest of his life in prison for a crime that everybody in our community know he did not commit. The FBI knows it, and that's why they concealed that recording. The police know it. And the man who is chief of police at that time wound up going, I think, to be a chief of police at Boys Town. He said his aim in going after Mondo and Ed Poindexter was to end the Black Panther presence in Omaha and he was successful. He knew they had trumped up charges on these two men and they're still suffering. And those are the things on my mind when I tell you the police are our ISIS. And I say it here again and again, and I will not apologize to anybody. And the Governor, he knows what he can do if he doesn't like it. Fortenberry, Mayor Stothert, Police Chief Todd Schmaderer, all these who are supposed to be the good guys. And some of the senators are gone, but I think they're might be one or two them who were here when they jumped up and said, I should apologize. I'll tell you who I should have apologized to. First of all, I didn't say the police do what ISIS do, which is what these white people lied and said. All they had do is read the transcript. But they knew, they don't have to tell the truth. ISIS has done nothing to us. That is the Islamic State in Syria, not in Omaha, Nebraska, not in Lincoln, Nebraska, not in Bellevue, Nebraska, so why would a senator who's producing a gun bill to let them carry pistols in taverns say there was fear of ISIS? This is not Syria. But anyway, I will never apologize for something like that. And I have contempt for all of those racists who knew what I had said and what I meant. But they're cowards and it gave them a chance to all clump together as white people do--

**LINDSTROM:** One minute.

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**CHAMBERS:** --and attack me, like they're clumping together against Miss Palmtag. See that old Ku Klux Klan mob spirit is alive and well in Nebraska. They are just like a mob. They're afraid, one on one, so they all get together. The Governor, the Republican Party, Senator Slama, Dan Welch and the whole cast of wrongdoers, and this body are going to express sympathy for Senator Slama, who's benefiting from the orchestrated destruction of a woman's character and the undermining of her credibility in her community. Why don't you say something about that? Isn't that sexism? Isn't that wrong?

**LINDSTROM:** Time, Senator.

**CHAMBERS:** Did you say time?

**LINDSTROM:** Time, Senator.

**CHAMBERS:** How fast time flies. Thank you, Mr. President.

**LINDSTROM:** Thank you, Senator Chambers. Senator Cavanaugh, you're recognized.

**CAVANAUGH:** Thank you, Mr. President. I rise in support of Senator Hunt's motion, but I do want to talk about some of the underlying issues that Senator Wayne is trying to address in his bill. There was an article in the World-Herald today called New Study Links Omaha Evictions to Racial Segregation and Disparities. So we've talked about this before in this body and I think it's important that we continue to talk about the historical impacts of redlining on people of color in this state. We've talked about systems of racism, institutionalized racism. Our lending practices in this state and in this country have led to redlining. And the implications of redlining reverberate for decades and decades and it's time that we start working to address those issues. I'm going to share a quote from this article. It's important that people understand the sheer numbers of evictions that are happening said Aaren Fightsinger, an advocate who works for the Omaha nonprofit Together. Perhaps more importantly, people need to understand that each of those numbers represents a person or family who lost their housing. This is a crisis. Right now, it's a public health crisis. And before that, it was a crisis anyways, just on a human scale. I appreciate Senator Hunt's words about conversations that we've been trying to have on this floor. I continue to be underwhelmed by my colleagues, underwhelmed by your lack of compassion for people of color, underwhelmed by your lack of engagement on these issues. We have three members in this body who are people of color and we should be their allies. It is underwhelming that no one in this body seems to be interested in working for marginalized people. We're

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gonna have a debate about the unborn this afternoon and it'll be fiery and fire and brimstone and visceral and disgusting and disrespectful to women, but you won't engage about people living in our society. People getting sick, people getting evicted, people starving, children going unfed, unclothed, being assaulted, you won't talk about them. You won't engage on it. It's disingenuous. It's disappointing. I know, I care too much. I get it. That's who I am. I'm OK with it. It makes people uncomfortable, but I'm fine with it. I don't care if you're uncomfortable that I care too much. I care too much. I care all the time. I just wish that more people in this body cared too. Thank you.

**SCHEER:** Thank you, Senator Cavanaugh. Mr. Clerk.

**CLERK:** Mr. President, pursuant to the agenda, I now have a motion. Senator Vargas would move to suspend the rules of Rule 5, Section 4(c) to permit the introduction of a new bill, request number 6234.

**SCHEER:** Thank you, Mr. Clerk. Senator Vargas, you're welcome to open.

**VARGAS:** Good morning, colleagues. First, I want to start off by thanking Speaker Scheer for scheduling this motion. And I'd like to thank you all in advance for hearing me out on this and why I believe it deserves your support and serious consideration. Now, over the last several months, I've been working closely with workers at meatpacking plants across the state, their families, advocacy groups and those that represent the interests of those workers. Now, what is happening in these plants, not only how workers are being treated, safety and health measures that needs significant follow through and misinformation spread that everything is fine is what brought us here today, is what brought me here today. And it's why I think we need to suspend the rules to allow the introduction of a new bill. And I'll repeat, that's-- that's the ask, to allow the same courtesy that's been provided to Senator Wayne and others in the past to introduce a new bill. Now, this is not the first action that I've taken to address this issue. So two months ago, I hosted a call with meatpacking plant workers and about a dozen senators, so you can hear directly about what they're experiencing at work. Six weeks ago, 23 of you joined me in co-signing a letter to Governor Ricketts, asking him to take action on these issues. We didn't see any action. And I'm renewing our call for action right before we resume session. And still, nothing's happened. This is not the first action that meatpacking plant workers, their families and others have taken to address this issue. I am sure all of you have heard from them over the past several months. I know they've communicated with the Governor and with employers about their concerns and issues. Can I get the gavel, please? But their concerns and cries for help have gone unacknowledged and unaddressed. So here

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we are. And here's my ask. I am asking you to help me to be able to fully understand what is happening in these meatpacking plants by allowing me to introduce a new bill that would enact protections and health and safety standards for these workers during the COVID-19 pandemic. Now, my colleague and friend, Senator Wayne, was successful with the same motion last week so I want to thank you all for supporting him in his efforts to be responsive to the huge and important events that have affected not only his community, also my community. But I'm asking the same for you now because it's not just my community, it's all of our communities, and over the past four months in particular. I'm trying to do the exact same thing here. And I'd like to focus this discussion on the rules and on the broader opportunity that success on this motion would create for both workers and employers to talk about what is happening in meatpacking plants. However, for that dialogue and for this to be successful, I think you also need to understand the urgency. So I'm going to take a moment and talk to you about that now. Currently, there are nearly 5,000 packing plant employees that have tested positive for COVID-19-- 5,000. That is 5,000 of the nearly 25,000 cases in Nebraska. Two hundred and twenty three individuals of these meatpacking plant workers have been hospitalized and 21 of them have died. Those numbers are only for the meatpacking plants workers. That does not account for any exponential spread that that has occurred to their family members and friends and fellow worshippers. Now, the vast majority of meatpacking plant workers are not white. Most are Latino like me and many are from South Sudan, Bhutan or Kurin. Now, 11 percent of the population in Nebraska is Latino. I hope you all know that. But 60 percent of our COVID-19 cases are Latino. Sixty percent of the COVID Lati-- cases across the state right now are Latino, and it represents more than 25 percent of all our deaths across the state. Asian-Americans are 4 percent of our population, but represent 12 percent of our COVID-19 cases and 20 percent of all of our COVID-19 cases in Nebraska are meatpacking plant workers. I know that this is a lot of information to throw at you. So I hope I can take a minute-- that you can all take a minute to sit with that. I hope you could think about it and not ignore it. Consider the impacts that COVID-19 in meatpacking plants has had not just on those workers, but on all of the communities that is spread out from those plants. And I want you to think about the people who have died because it's not just the workers, but others who have contracted COVID-19, after catching it has a spread out from those plants. And I think about what those deaths mean to their family's financial stability. The introduction of this bill is urgent and necessary. And that is why I'm asking you to suspend the rules to allow for the introduction of this bill. Now, you all know the issue of COVID-19 is incredibly personal to me. Now, it's not just because I'm the son of

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Peruvian immigrants. It's not just because I am the only Latino Senator in this Legislature. It's not just because I represent a district that has more people of color in it than white people or more people in poverty than in middle class, more people that are renters than homeowners or more people without access to health insurance. It's also because the stories of these workers and their families relate so closely to mine. My parents immigrated here in the '70s as newlyweds and they worked in factories on the line, just like these meatpacking plant workers do. I know how hard the work is under relatively normal conditions, let alone under the COVID-19 pandemic. And as a child, it was hard. It was hard to see them experience the physical pain they endured from their jobs. And knowing that, I could not imagine what it would be like now to be a child of a factory worker in the middle of a global pandemic. To know your mom and dad leave home every work-- every day to work in a place where the virus is spreading like wildfire, to watch as they go to work and contract the virus and are sick and in the hospital and can't work, to wait months for someone to do something to help your parents and for that help never to come to fully protect everyone. Last week, Senator Hilgers came up to me and he asked me how I was doing. He saw my eyes and I said I was OK, but I was not. I'm not going to lie. Coming back here was pretty hard. Now, I've told many of you, you all know this, I've lost my own father to COVID-19 in April. I put on a good face. I'm still grieving, but the face that I'm putting on is we have work to do and I'm trying to get that work done. But to my knowledge, I'm the only person in this body who has actually lost a loved family member to this virus. I'm forever grateful that Senator Moser is still with us and has gotten safe and healthy, but my father was taken from me. And I saw how this affected my father and my family. He was hospitalized for 29 days. And he was on a ventilator. That was the only thing that kept him alive. He and my family didn't have to go through that. I share this with you because I'm still grieving and the only way that I know how to figure through this is to try to make sure others are not hurting, especially people of color. And I share this with you because in our state, this virus is disproportionately affecting people of color, just like my dad. The only difference here is this body, with all of its compassion and love, has an opportunity to do something about it. And that very, very simple thing is to allow the introduction of a new bill. Colleagues, if you don't see the urgency in this and understand why this situation demands all of us to act now, then I am at a loss. This is exactly why this rule exists, to ensure we as senators have the ability to introduce bills, to give us the opportunity to address urgent and necessary matters. If we can't introduce a bill to address the urgent and necessary matter of learning what is happening to these workers and in these plants, I

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don't know what is. I appreciate your time and consideration of this motion, and I hope that I'll have your support to introduce this bill and the same courtesy that you provided to Senator Wayne and Senator Kolterman in the past, and I thank you for listening to me. Thank you.

**SCHEER:** Thank you, Senator Vargas. Going to floor discussion. Waiting in the queue, Senator Howard, Albrecht, Williams, Morfeld, and others. Senator Howard, you're welcome to start.

**HOWARD:** Thank you, Mr. President. Good morning, colleagues. I'm going to repeat what I said a couple of days ago on Senator Wayne's bill but before I repeat that, I just want to tell Senator Vargas I absolutely understand grieving and using your-- trying to deal with your grief by working. It was something that my mom did on this floor. It's something that I do on this floor. And it helps because it helps you feel like you're doing something because there's nothing else for you to do but feel all of those feelings. And so-- so I am in support of the rule suspension. I said previously there are two major issues that have come up in the interim between March 12th and when we reconvened July 20th. And those are COVID and social justice issues around Black Lives Matter. Those are the two things that I would really, truly support a rule suspension for, because they are new issues that we hadn't considered in our previous session. I won't speak to the merits or the content or even Senator Vargas' ability to get this bill passed, because that's not my business and that's not the question at hand. To me, allowing a colleague who has an urgent exigent issue in his district, that deals with an urgent issue for the state, is a courtesy that we extend to our colleagues when they see an issue like this and they bring it to us. I-- I will be very brief in the sense that what I want everyone to take away from this conversation that we're about to have is that you cannot expect courtesy and collegiality if you do not take the time to extend it. That's what I want you to take away. Our colleague is asking us to help him move something that is critical to his district and critical to, I think, what will most likely be a longer conversation, a longer policy conversation, because he'll most likely spend the rest of his career working on issues related to COVID because of what happened to his dad. Same way I spent most of my career working on opioids. So please don't expect courtesy if you don't extend it. And I would certainly urge the adoption or urge you to vote green on the motion to suspend the rules. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Howard. Senator Albrecht, you're recognized.

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**ALBRECHT:** Thank you, President. And good morning, colleagues. I stand in opposition to the motion to suspend the rules because of the new bill that is, in my mind, not needed. And as a body, we simply do not have time left and should not be compelled to hear new bills. I just want to talk about my district. Tyson Foods has the largest processing plant in the country located in Dakota City. They have over 4,300 employees. I'm here to tell you that I have not had one phone call to my office from any employee complaining about that plant. I was part of a Zoom meeting arranged by Senator Vargas on the subject. I found myself listening to meatpacking workers, but I was listening mostly to community organizers, along with some employees. There was one Tyson employee that I did listen to on that Zoom call. I just-- I did not sign onto a letter for this. I did not sign on to Senator Halloran's letter. I contacted when I had an issue with COVID related to my district, I called the Governor's office and I asked for a conversation with him and others. I called when I had farmers and ranchers talking about putting down large animals because the plants were closing. I heard about hogs being slaughtered and buried and baby piglets being slaughtered and buried because the plants weren't opened. And I do care about every single one of my constituents in District 17 and throughout our state, but when it comes to this particular ask, I called immediately to the Tyson management and wanted to visit with them about what they were doing. I was up there while the Nebraska National Guard came and tested many times many people throughout District 17. I was not on site at the Tyson plant, but within two days, they had over 3,000 people tested. This testing didn't come until after-- we had no cases until after-- the day after Easter. And I said, something's wrong. Something's not right. If all these other plants have problems, we probably do too. What's going on? I was up there in my district with the health director, with the emergency manager asking these questions. So finally, after about 600 positive cases came to light, the question I asked was, how many people are hospitalized? How many people are in the hospital in District 17? Tell me that number. The number was 7 with just 600. To lose one life is too many and I get that. And Senator Vargas, my complete and utter heartfelt sympathies for your loss. I'm so happy that we have Senator Moser here to test-- to be a testimony to this. It's a horrible disease that's spreading throughout our country. It's not a disease. It's a virus that nobody asked for, but it's here and we have to deal with it. But to ask a company to do-- they had USD came in, they closed that plant down for six full days. They-- they because of HIPAA they couldn't talk about what was happening. But I called the Governor and I said, we need-- we need more help here. Tuesdays and Thursdays he changed his-- his-- what do you want to call it? The-- when he-- the press conference he had every day.

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**SCHEER:** One minute.

**ALBRECHT:** He switched Tuesdays and Thursdays to just to speak to the plant folks about what was going on. It was hard up there for-- we have 26 different languages that are spoken in that plant. But so many people were not understanding how the severity of it all. So now we have posters out. We have people on their radio stations. We have posters within the-- within the plant. I'm not here to promote the meatpacking industry because, believe me, we all need them open. They are essential workers, but we do have to protect them. But I don't believe that something like this is merited at this time. And I did send around to all of you what that particular plant has done and even asked their employees to come to them and talk about this. So you can see what Tyson has provided for me and that's why I can't stand in support of what is going on and what is-- what the ask is, because, quite frankly, I think they're meeting all the asks except for--

**SCHEER:** Time, Senator.

**ALBRECHT:** --what are you doing with their--

**SCHEER:** Thank you, Senator Albrecht.

**ALBRECHT:** Thank you, President.

**SCHEER:** Senator Williams, you're recognized.

**WILLIAMS:** Thank you, Mr. President, and good morning again, colleagues. These are tough decisions. As a member of this body and as a committee chair, I tend to always try to follow the rules as best we can and Senator Vargas is asking for a suspension of those rules. And I think that is something we need to think deeply about. I have a large Tyson facility in my legislative district, like Senator Albrecht, not quite as large, employs 2,800 people in a community of about 11,000, so you know that the majority of the jobs, the largest employer in the community. More students in the school system that have connections to Tysons than any other background there. And I would tell you from my experience of being in that facility many times over the years and in particular talking to health care professionals that have been in that facility-- facility recently, they have really stepped up and have implemented nearly all-- certainly all that they can of the directives that came from UNMC and the local health care professionals in Lexington. That said, the question that we have today, though, is a request to suspend the rules. And what I would tell you is that from the time that we had bill introduction, those 10 days in January, has something changed that is significant enough that

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warrants a change of the rules or a suspension of the rules? And I would argue, yes, that there has been something that has changed and that's COVID. It has changed every one of our lives. It has changed how we conduct business. It's closed schools. And, yes, it has killed people, 21 of them meatpacking workers. So that has changed and I would suggest that that warrants the allowance of a hearing on this issue. Meatpacking is incredibly important to our state. Yes, it employs lots of people, but as an economic engine and driver, it is critical. And it is critical to maintain, it's an essential business, it's critical to maintain at the proper level. And you heard the statistics about the workers and the disproportionate effect that COVID has had on those workers, and it's not I don't believe for us to argue those issues at this point in time. There are certainly cultural issues that are involved with the cases also. It is our question to us is, have circumstances changed enough that we should consider suspending the rules and allow this bill introduction? Meatpacking provides a lot of things in our state. The hearing that we could have on this would allow those workers to have an opportunity to share their stories. It would also allow the industry itself an opportunity to share the specific things that they have done and how they have stepped up to address this issues and it would also give the communities that are so directly affected an opportunity to do that also.

**SCHEER:** One minute.

**WILLIAMS:** So because of those changes, I support Senator Vargas' rule suspension motion. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Williams. Waiting in the queue, Senator Brandt, Hunt, Chambers, Wishart and others. Senator Brandt, you're recognized.

**BRANDT:** Thank you, Senator Vargas, for bringing this rule suspension. My district, the 32nd, is 10 percent Hispanic who work primarily at Smithfield. My constituents are concerned. COVID is life and death. Since we recessed in March, two things have happened. Black Lives Matter, and the result is a hearing in Urban Affairs this Friday on police oversight. The second one is COVID. Nebraska has had over 25,000 positive cases and 326 deaths, almost 5,000 in meatpacking alone. I would like to have a hearing on the issue of work force protections in meatpacking. It would give both proponents and opponents a chance to be heard. I support the protections put in place today by the packers. I know they want a healthy work force that can work safely. It is in their best interest. Nebraska agriculture needs and wants a healthy packing industry, and to do that, all parties need

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to keep talking. As some background, I'd like to let Senator Albrecht know that I was the industrial engineer at Dakota City IBP for two years and let Senator Williams know I designed the processing floor at IBP Lexington. I support Senator Vargas' motion and would give the balance of my time to Senator Vargas.

**SCHEER:** Senator Vargas, 3:20.

**VARGAS:** Thank you very much, Senator Brandt. I want to thank Senator Howard for in particular because-- my dad was a really quiet guy and for most of you that know me at this time, I'm not-- emotions are always really hard. I can get passionate about things but this is the one of those things that I have a hard time talking about at times. But I just want to reiterate what I'm asking you. And I-- I confess, I got-- I have a lot of respect for all of you. I have respect for Senator Albrecht. And what Senator Albrecht is bringing up are the topics that would come up if we were debating this bill, a large amount of them, whether we're debating the bill on the floor. And we're not. I'm asking the courtesy of whether or not we can introduce the bill because there are a set of facts. And the set of facts are that there are a disproportionate number of cases for individuals working in plants. Notice that's nothing against the plants. If there were a disproportionate number of COVID-19 cases right now in another industry or another entity, we would be having the same conversation. But the other added layer of this is, Senator Wayne carries a burden and Senator Chambers carries a burden. They talk about it all the time. This burden is very, very clear. It's a burden of being a person of color. Now they come at it from it-- from being from an African-American individual, a person that identifies that way. I'm the only person that's Latino or Hispanic in here. I know that you have people in your districts from a variety of different walks of life, but 60 percent of the cases are Hispanic or Latino in the state, 60 percent. So I go back to my ask. This is very, very simple. You can agree or disagree with the bill. You can agree or disagree on whether or not there's a problem.

**SCHEER:** One minute.

**VARGAS:** You cannot agree or disagree with data. And the data very clearly shows there's a population of people and individuals that are disproportionately affected. Harmfully affected by this. And we're in the middle of a session, we have limited time. So why not allow me to introduce this bill so that we can find out more? And many of those those different prompts that Senator Albrecht mentioned can be answered. So I'm asking you for that courtesy, colleagues. Thank you.

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**SCHEER:** Thank you, Senator Brandt and Senator Vargas. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. I've been contacted by meat processing workers and food processing workers from all over the state, from many of your districts, including Senator Albrecht's district and many of us have. And maybe that's because those of us who have been contacted have a record that makes these workers feel safe doing that. Maybe it's because they know we won't judge their immigration status. We'll take seriously their concerns about retaliation from their employers. And we can't just talk to the corporations. We can't just talk to the companies. We need to talk to the workers too. This is how we open the door. And this is the correct process to do that. It doesn't matter if you think that food processing corporations are already doing the right thing, it doesn't matter if you haven't heard any complaints from workers. Just because you haven't heard them doesn't mean they don't exist. And this is not a debate on that value, on that-- on the bill at all, because that's something that we can take up later. Just as we extended the courtesy to Senator Kolterman, to Senator Wayne, this is a courtesy to Senator Vargas who deserves it, and more importantly, the workers in these food processing companies deserve it. It is urgent and necessary to introduce this bill during the pandemic. We certainly have a precedent to do so. To not do so would be, in my view, very cruel. So thank you for your green vote on this and I'll yield my time. Thanks.

**SCHEER:** Thank you, Senator Hunt. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, whether a person believes in what's in the Bible the same way everybody else does, is of no moment. Nobody believes that the stories in Mother Goose are literally true. But there are lessons and morals that can be derived. I would be asked from time to time why, with all the problems that we have as black people, do I spend time helping white people? I know that a lot of black people go to church. So I told them that when I was little, there are some verses that stuck in my mind and I had a different attitude toward a lot of things than I have now. But that doesn't change the truths that I felt existed. And that verse was of one blood hath God made all nations of men for to dwell upon the earth. And as a black child, I needed something to lean on when I was mistreated by people who didn't even know me, but they were white. So if God made everybody of one blood, then we're all a part of a family. That's the way children are taught. Then I tell them about Cain and Abel, where Cain killed Abel. And when God came and asked Cain, where is thy brother? And Cain looked at God,

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or toward the voice of God, and said, am I my brother's keeper? God did not answer Cain. Nothing in the Bible gave a direct answer to that question. But it hangs in the air, always unanswered for each one of us to give an answer. And to the extent that I can, I give that answer by what I do. Everything born of a woman and a man is a human being. Every woman is my sister. Every man is my brother. And to the extent that I can, as a member of this Legislature, I am my brother and my sister's keeper. The least that I can do this morning is provide a vote so that we, as those who have a duty and a responsibility to uplift society, to manifest the value of certain principles by the way we conduct our business, there is an obligation for us to bring matters of this import before the body and the public. Finally, I would say this. The work in these plants has been deemed essential, but the workers have been deemed expendable. That should not and cannot be. I'm going to give a vote to suspend the rules and I hope enough others will so that this bill can be introduced. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers. Senator McDonnell, you're recognized. While he is approaching, those in the queue, Senator Brewer, Pansing Brooks, Dorn, and Vargas.

**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. I'd like to start by recognizing Senator Vargas' father, who was a member of the International Brotherhood of Electrical Workers. In New York, he served as a shop steward trying to help his fellow employees. We have a situation where people are going to work to help support their families. If anybody's ever seen the process, it's hard work. You have to be dedicated to your job and your families. We're talking about essential workers. We're talking about how that affects all of us. How can we make a dangerous job safer? Because it's going to be dangerous. Can we make things perfect? No, but can we improve? Can we improve for those people that are going there to do their job and help us as essential workers? Senator Vargas, would you yield to a question?

**SCHEER:** Senator Vargas, would you please yield?

**VARGAS:** Thank you very much, Senator McDonnell. And I appreciate you because--

**McDONNELL:** Well, I'm sorry, just-- I'm going-- I'm sorry. I just wanted to ask you a question.

**VARGAS:** Go ask the question.

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**McDONNELL:** But I'll give you some time here real quick. So, Senator Vargas, when you started this morning, you had numbers, stats. And I don't know if it's sank-- sank in, but I think we need to hear those again, especially when we talk about the 21 deaths and where we are right now with the people that have tested positive. Could you please talk about those numbers again and then I'll yield the remainder of my time.

**SCHEER:** Senator Vargas, 2:40.

**VARGAS:** Thank you very much. So, Senator McDonnell, I want to thank you. Senator McDonnell represents a district that has meatpacking plant workers in it as well. And again, I was focusing on the-- on the stats that are important here. 20 percent of the COVID-19 cases in the state of Nebraska are meatpacking plant workers over this last three and a half months, four months, 230 hospitalizations and 21 deaths that are themselves workers. And 60 percent of the individuals, and Senator McDonnell shared this with me, are Hispanic or Latino across the state. Colleagues, once again, I'm asking for the ability to introduce a bill that can only happen at this moment because we're in the middle of a pandemic and sending a very clear message to the state of Nebraska that this warrants learning more information from all sides. Thank you very much.

**SCHEER:** Thank you, Senator McDonnell and Senator Vargas. Senator Brewer, you're recognized.

**BREWER:** Thank you, Mr. President. Well, there's not a lot of choice on my part on jumping in on this one. And I think as we work through this, you'll understand why. I'd like to start by complimenting Senator Wayne. Whether you like him or not, Senator Wayne does an amazing job of defending his district. And he took out the map yesterday and slow walked us through District 13 and the challenges and why he can't get the economic development he needs there and the problems he has. And when he was done, I understood it much better. And I respected his needs because he did it in a way so that you could really appreciate the frustration that he has. That same frustration I kind of feel like I have on this one. I haven't made a decision yet on this rule suspension, but understand the potential impact that your bill will have on my district and you'll understand why I have some real concerns. With that said, Senator Vargas, can I ask a couple of questions, please?

**SCHEER:** Senator Vargas, would you please yield?

**VARGAS:** Yes.

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**BREWER:** Well, first off, before we get started, you were very good yesterday about setting me down and walking me through this. That is how it should be done, because I felt better about understanding the bill and its-- its content. Now, what we're gonna do is kind of-- kind of slow walk through that content and so we can kind of understand some of my concerns. Your district is unique because unlike mine, you don't have the agricultural footprint. Is that safe to say?

**VARGAS:** Yes.

**BREWER:** And because of the location of your district, you're not going to have packing plants. What this is, is a passion on your part to be sure that a particular group is taken care of.

**VARGAS:** Yes and no. Yes, because it is a particular group that's taken care of and it is personal. But right outside my district, there are packing plants in-- in south Omaha. And it's a history of packing plants in south Omaha as well.

**BREWER:** A very, very long history. My father used to drive cattle and he used to talk about how if you drive cattle and end up in Omaha, that was a big deal. I told him that wasn't so true anymore. So that you understand where I'm coming from, when the packing plants closed last spring and things ground to a halt, all of a sudden the-- the feedlots weren't able to move the cattle. Because of that, the sale barns weren't able to buy the cattle. Because of that, the ranchers weren't able to sell their cattle, and the whole system came to a halt. Here in a few months, there will be massive numbers of cattle that will be being brought to the sale barn if they're open and they can do it, and then likewise, will hopefully end up at the packers and then on the supermarket shelves. The problem is if we do something that grinds that to a halt, a way of life for a good share of Nebraska is going to come to a halt. So when I talk to the meatpackers in my district and ask them about these rules, they were chilled to the bone. They said, if we do this, you will force us to close or reduce production to a level that will not be sustainable for our businesses. That's the part that the chill I'm running through with both the producers and the packers. With that concern, how would you respond to that?

**VARGAS:** The concern that you bring up is the exact concern that we should have when we have a hearing.

**SCHEER:** One minute.

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**VARGAS:** We need to have and learn more about what is happening on all sides. You're never going to hear me say that things are black and white. I think I've tried my best to do this on the mike and so to answer your question, that is why we need a hearing to then be able to actually have that conversation, because what we're debating is the introduction of a new bill.

**BREWER:** All right. Thank you. And I'd like to yield the rest of my time to Senator Erdman.

**SCHEER:** Senator Erdman, 31 seconds.

**ERDMAN:** Thank you, Mr. Speaker. I will pass on this. I had my light on. I'll be after Senator Friesen. I do appreciate that, though, Senator Brewer. Thank you.

**SCHEER:** Thank you. Senator Brewer, Senator Vargas, and Senator Erdman. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. The last time we had to vote to suspend the rules, I was a no vote. I'm still listening here, but I'm still leaning towards no. Again, I think sometimes, you know, I-- I-- I don't have any meatpacking plants in my district, but I do have probably some people that work in those plants in my district. So that's-- give you a background of where I'm at. And there's probably a few feedlots, but otherwise I'm mostly a grain farmer and my district is that. But I surround Grand Island, which has a huge plant there, and had quite an outbreak. And so I think recently, if you look at the numbers, they-- the plants have got this under control. Not to say that they aren't still struggling. They have implemented measures as best they can and then still there's-- there's hotspots here and there. But they've done a really good job of, I think, doing the best they can to control this. And if you want to look at where the real damage happened in the state so far, it's nursing homes. And that's where my district did suffer 13 deaths in a nursing home. They are the most vulnerable. And so it's-- it is not to be taken lightly. They have figured out what to do too. And I, you know, I-- I just think sometimes we rush into things. Now, not to say that come January, if you want to have hearings and look at how we can make some changes to how they operate, I'm open to that. But to react too quickly when they're all trying to just figure out how the spread is happening, where it's happening, plants have implemented as many processes as they can, I think at the time, not knowing that for sure. I have not toured one lately, but I just-- sometimes I'm-- I still strongly feel that we rush into the. So I will be-- I'll be listening some more yet, but as the moment, I'm still leaning a no. Thank you, Mr. President.

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**SCHEER:** Thanks, Senator Friesen. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker. Good morning. I am not one of those that is trying to decide. I made a decision that I'm red. Senator Vargas asked that we offer the same courtesy we did to Senator Wayne last week, and I will. It was red last week for Wayne, it'll be red again today. So I did a little research when I knew this was coming up and I looked at the testing that happened up in Madison, where their packing plant is there, on the COVID that broke out there. What I discovered was that those people that worked there at the packing house were infected with COVID, but they had been off work for three weeks. They had not been at the plant working. They had been off work for three weeks and 72 percent tested positive and they hadn't been at the plant. So this morning, I reached out to a person that I know in the meatpacking business, a large beef processor, and I asked the question to him, are these people spreading and getting infected at your plants? And his answer was, we have put precautions in place. We have people going around with disinfectant and sterilizing the environment and they come to a sterile environment when they come to work. But he said one thing I want you to share, and that is as a meat processor, if we don't have employees, we don't have a company. So we are very concerned about the health of our employees and we're going to do everything we can to protect their health. So what I conclude, and you can make your own conclusions also, what I'm concluding is the virus is not spreading in the meatpacking facilities. The virus is spreading in the six people that ride together in the car to work, and the people that get together after work. And several people live in the same house and they're catching the virus and getting infected outside of the plant. But we need to blame the corporations. We need to blame the people that we think can have the money to withstand what we do to them, so we're going to blame the meatpackers. We need to understand where the infections are happening and it's not happening in the plants. Now, there may be somebody get infected there, it's very possible. But the spread at a plant that has been sterilized every night, they sanitize the plant every day to keep it that way, they have to, to say that the virus is spreading there with the protective shields and things they wear, I don't believe is the case. And so what we may want to do next year when we review the rules is we may just want to eliminate Rule 5 just so we can introduce bills whenever we feel like it. This bill, if we pass to-- the rule suspension today, this is day 10-- this is the tenth day left. Tomorrow is nine. It's got to be a week before I can have a hearing. There is not a chance on God's green earth that this bill will ever see the light of day. So what we're doing is we're wasting time, and that probably fits quite well with Senator Wayne, but Senator Wayne,

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it'll be a race. It'll be a race to see who drops the first sine die motion. I've got mine made out right here. I just have to put a date on it and I will. So we'll see who does it first with the most time--

**SCHEER:** One minute.

**ERDMAN:** --many-- as many times as we can. Thank you.

**SCHEER:** Thank you, Senator Erdman. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. And colleagues, I hope we just suspend judgment and listen for a second. The burden of trying to get this passed is an uphill battle that I think everybody recognizes, and Senator Erdman just spoke well on it. But the value of a hearing for the communities and the people impacted is speechless. I introduced that bill. And as we all know, I'm not a fan of legislative resolutions, but by introducing that bill, I now know the complexity of small town Nebraska and how they do their police force. So I can tell you on this mike, that that bill probably will not come out of committee, but that gives me a stronger conversation moving into next year and had I wait till next year to have this hearing on Friday, the opportunity to build trust with our government disappears. This is not about just a passage of a bill. This is about all of our communities building trust with our government, that when there is a major pandemic and it's disproportionately hitting an industry, that we can at least listen and figure out a way to respond. There is no guarantee that there will be a legislative resolute-- interim study in October, and all the experts say it won't happen. Schools have already started canceling extracurricular activities. So I just want us to step back and say, stop focusing on the bill, stop focusing on the endgame, but focus on the value of having a hearing for the community that is suffering through this pandemic. Focus on the value of having people like poultry groups come in and say what they're doing and maybe we can create best practices over the summer for everybody. Maybe we can't, but rather focusing on-- that's where I think some people voted no against my bill as we were focusing on, can Justin get it done, is it possible, etcetera, etcetera. But I will tell you what's possible is that throughout the state, the community is going to be heard. Imperial is going to have a chance to weigh in. Grand Island, Aurora is having a chance to weigh in. That, quite honestly, just does not happen during an interim study. This is a simple vote to build trust with this body. For a community that's been desp-- desperately begging for the opportunity to build trust, to be heard, to have a fair hearing on both sides. And if somehow Senator Vargas can champion it through, great. But I don't see this same objection when we start talking about decoupling. We just had a hearing on it. There are

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different ways to do this. And Senator Vargas has chosen the more difficult route. Senator Vargas has chose the route that I think is correct. We're talking about the value of the hearing, the value of saying this is important during a pandemic to be heard, to understand so we can craft maybe a better bill or maybe the bill is fine. That sends a message that I think we all should value. And I know we do because I watch us take votes and sometimes abstain from voting--

**SCHEER:** One minute.

**WAYNE:** --or be present not voting because you are concerned about the message your vote may send. Well, if somebody calls you from the industry, the message is, we are listening to both sides. The value of the hearing means something. It meant something for people to sit in front of Judiciary and voice their concerns. It's going to mean something for police to come before Urban Affairs and tell me their concerns and their strategies and how they're trying to do something. It's a way to ensure a fair process and a fair hearing to make sure both sides are heard. So step back from the bill. Think about the communities and the trust we can build throughout the communities and the industry if we just let them be heard in a real way.

**SCHEER:** Time, Senator.

**WAYNE:** I don't think we're asking for too much. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Wayne. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. Speaker. I appreciate what Senator Vargas is wanting to do, and I appreciate what Senator Wayne wanted to do. I did not vote in support of Senator Wayne's motion. And this one I'm listening to, but I'm not sure that I will vote for this one either, because my concern is this. Is you can have your hearing, we can suspend the rules and you can have your hearing and people get two minutes. Very short, brief time that they can come and testify there, which is, I guess if that's what you want, that's fine. My thing is, is I think we should take this and go to the communities that are affected and hear from a broader spectrum of people. Let the people who work there, who live there actually come and be able to participate in a hearing in their community where now we're going to get representatives from-- from the corporations, representatives from different groups come in, my concern is that the people that live in those areas will not be heard, not have that opportunity. We've done a lot of work in Schuyler. I've had Zoom meetings there. Language was a

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critical aspect of what was going on there. We worked on that to change that, to make sure people were receiving the information they needed. We went to the community to find out, ask the people who live there, ask the workers what's working, what's not, and then made changes. The city made changes. The company made changes. A food bank sprang up and we're feeding 150 families a week and still feed up to 120 families a week providing food and that. We went to the community, found out what the needs were, what was going on. Testing was provided two days to every plant employee. Those things are being-- were addressed right then. And I'm afraid that if we have a hearing here, we'll lose that opportunity to understand what they have to provide us, how it affects them in their community, in that plant where they're working. I've also heard from the ag producers. They say we're-- we're talking with Senator Vargas. We're willing to work. There's areas here we could-- we agree on. And there are areas we want to work on, we can improve. But as Senator Brewer is saying, there's a larger picture too. People work outside of the immediate plant in the holding pens, the people that work in with the hauling livestock there or the rancher or the farmer, those areas that-- that raise the livestock. There's a large area. There's also a federal law that comes into play here. So while I appreciate everything that Senator Vargas is doing and wants to do with this, or my concern is it's not going to go far enough.

**SCHEER:** One minute.

**BOSTELMAN:** It's not going to go far enough because we're not going to get the information that we need to get from the people where they live, in the communities where they live, and then also have those managers, supervisors, corporate come in at those locations and say, here it is. Take-- take the committee and walk through the facility, look at it, have them explain what happened. Look at the community. How has that affected the community? How have we done things correctly? And then what needs to be improved on, what needs to be changed, and how do we go about doing that? I think the best way to do that, the most effective way to do that is to go directly into those communities and work with those people directly one on one, and have that opportunity in the community because they're not going to be able to come here. They're not going to have time. They're not gonna be able take off work, whatever it might be, to make it here for a hearing where they may get two minutes.

**SCHEER:** Time, Senator.

**BOSTELMAN:** Thank you, Mr. Speaker.

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**SCHEER:** Thank you, Senator Bostelman. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. First thing I'd like to talk about today is the importance of wearing masks. I said in a speech earlier that they weren't a-- a fashion accessory. I stand corrected. I've seen a lot of them that match people's outfits. So evidently, it's become a fashion accessory. But whether they match or not, it's critical at this time, I think. I'm wearing one. I hate it. You know, it's hard for me to get my breath and you'll see me puffing when I walk around the floor sometimes here. But I think it's important and it's symbolic for me because I'm probably not going to get it again. And I lived, so you don't need to feel sorry for me. You know, I-- I got it. I made it through it with a lot of support and prayers and I appreciate all that. But back to the pull motion. I typically side with business and think that they should run their own businesses and be in control of their own destiny. But I understand the importance of-- of the exposure that some of these workers may get at work. And I talked to somebody who's involved in the industry and he said they're taking it very seriously. They had the UNMC experts out and give them suggestions. He said the experts were very complimentary in what some of the things that they had changed. And I'm inclined to vote for the motion to suspend the rules just to give this a chance to be discussed. I'm not saying I'm gonna vote for the bill when it comes out, because it could have things in there that-- that I don't think are productive. But to prejudge it at this point and say, you know, that it doesn't have a chance, I hate to be the one that would keep it from being considered. Thank you very much.

**SCHEER:** Thank you, Senator Moser. Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. I stand in opposition to suspend the rules. Let me explain why. I supported Senator Wayne's for two reasons. Same reason I supported Senator Kolterman's. Both of them are chairmen of committees. Both of the issues would go to their committee. And apparently, I assumed that they are in contact with those who are involved and members of the committee and they thought it was-- and Senator Kolterman discussed it with all the members of the Retirement Committee why we needed to do it. It really needed to be done. This is where suspending the rules-- and folks, you know, this isn't just on this. So you're the minority and we started-- start this as a tradition. Guess what? Every day next year, whoever the minority is, one member could suspend the rules. And if you want to kill a session in a hurry, we're not just talking about introducing a new bill. If I don't like my priority and I want to suspend the rules

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and do a new priority and I've got enough people to agree with me, I could do that. You look at the rulebook. It's every one of those rules when you say suspend the rules. We start this and we're going down the wrong road. The other reason I supported Senator Kolterman and Senator Wayne, their issues was what we do here, a lot of what we do here. We govern and we regulate other government entities. Senator Kolterman was on the Retirement. Senator Wayne's was on local police departments. This is private business. Yes, I agree with Senator Vargas, but everybody got caught off guard with COVID. Everybody, every industry and the private business has reacted quickly. Twenty-one deaths, but when was the last one? The Department of Labor, OSHA, our Department of Labor, UNMC is working with the packing plants, it has been addressed. This issue has already been addressed. And we did it through the system. This is feel good, we're going to address something. Five months, they can have a hearing. Hopefully, Senator Vargas dropped an LR to address this issue so that we can have a hearing or study this, this interim. But if you want to go down this road because you don't like your priority and you want to change it, suspend the rules. Think of all the rules you could change.

**SCHEER:** One minute.

**GROENE:** This is the wrong path and we all know it is. We know it is. This issue is being addressed through the regulatory system that we have in place at the federal and state levels. I don't like the Speaker. Suddenly I'm going to suspend the rules and we're going to have another election for Speaker about the 30th day. How about that one? This is the wrong path to take because we're sympathetic to a bad situation to certain essential employees. My-- I got family in the meatpacking plants that come from up-- come through the blue collar system. I had a brother who worked in the meatpacking plants till he was in the 50s and you know what his nickname was? The white guy. Let the system work.

**SCHEER:** Time, Senator.

**GROENE:** These major companies need employees and they will take care of them.

**SCHEER:** Time, Senator.

**GROENE:** Thank you.

**SCHEER:** Senator Bolz, you're recognized.

**BOLZ:** Question.

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**SCHNEER:** Do I see five hands? I do. It is a ruling of the Chair that there has been full and fair debate on the motion. We'll proceed to the question. Senator Vargas, would you like to call-- oh, I need a vote on calling the question. All those in favor of calling the question please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

**CLERK:** 38 ayes, 0 nays to cease debate.

**SCHNEER:** The question has been called. Senator Vargas, would you like to close on your motion?

**VARGAS:** Thank you, President. Colleagues, I want to thank you for having this conversation and for entertaining my ask. I have-- all of us decided to run for the seat because we believed that-- we believe that the seat inherently has the ability to make changes. We have very different constituencies in some ways. Sometimes we have very different issues, sometimes we have similar issues. That's the same reason I got into this. Under normal circumstances, I didn't even know if I'd be in a position like this. And I'm part of the second generation that's here. Now, my parents, I've told you, come from Peru and they came to this country and they took what jobs they can get. And they sacrificed a lot. And the reason why I'm asking this is because I-- nothing is black and white. What I'm looking at, and you've seen me come on the mike is talking about data. The question is whether or not there is an urgent and necessary reason to introduce a new bill at this time. COVID-19 has infected us. But the part that's harder about this is it doesn't affect all of us equally. It affects some of our businesses. It affects our well-being. But in terms of the health of individuals, it is-- it's just hurting people that look like me. And it's hurting people that look like me that are working in our essential-- in our essential jobs, that don't have the choices on whether or not they can or cannot show up to work. I'm never going to say that plants are bad. That would be untrue. I'm never going to say that blame lives in one place. I don't believe that's true either. The iterative process of this body is to then figure out and learn that we can and should do and if we should, even if we should do something. And my ask to you is, this is urgent, 20 percent of the cases are meatpacking plant workers, 250 hospitalized. Twenty-one deaths. If that's not urgent enough for us to be able to introduce a bill so that we can have the dialogue in a committee, in a hearing, so that we can actually learn more about many of the things that you asked about, I don't know what is. And you have had experience with me. You know I like working within the rules. I respect the rules. I respect the collegiality and I respect his body too damn much to operate outside

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of it. But I respect it so much that that's why I'm asking you to be able to introduce this bill because you may not fully understand the lived experience that I have with this or the lived experience of others that are currently being affected by this right now.

**SCHEER:** One minute.

**VARGAS:** And I'm not asking you to understand it. I'm asking you to allow us to learn more about why this is happening, and if there's anything that we can do, and that's it. So I am pleading with you because this would send a very direct message to the state of Nebraska during a COVID-19, when there is a population that is disproportionately affected by this on whether or not we think it's worthwhile to continue to learn more when it is the most urgent and necessary. And we can save more lives, but I can't save my dad's life. Thank you. And I urge your support of this suspension of rules to introduce this bill. Thank you.

**SCHEER:** Thank you, Senator Vargas. The question before us is to suspend the rules to entertain a-- to introduce a bill. All those in favor please vote aye; all those opposed vote nay. There's been a request for a roll call vote in reverse order. Mr. Clerk.

**CLERK:** Senator Wishart.

**WISHART:** Yes.

**CLERK:** Voting yes. Senator Williams.

**WILLIAMS:** Yes.

**CLERK:** Voting yes. Senator Wayne.

**WAYNE:** Yes.

**CLERK:** Voting yes. Senator Walz.

**WALZ:** Yes.

**CLERK:** Voting yes. Senator Vargas.

**VARGAS:** Yes.

**CLERK:** Voting yes. Senator Stinner.

**STINNER:** Not voting.

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**CLERK:** Not voting. Senator Slama.

**SLAMA:** No.

**CLERK:** Voting no. Senator Scheer.

**SCHEER:** Yes.

**CLERK:** Voting yes. Senator Quick.

**QUICK:** Yes.

**CLERK:** Voting yes. Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

**CLERK:** Voting yes. Senator Murman.

**MURMAN:** Not voting.

**CLERK:** Not voting. Senator Moser.

**MOSEER:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

**MORFELD:** Yes.

**CLERK:** Voting yes. Senator McDonnell.

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator McCollister.

**McCOLLISTER:** Yes.

**CLERK:** Voting yes. Senator Lowe.

**LOWE:** No.

**CLERK:** Voting no. Senator Linehan.

**LINEHAN:** Not voting.

**CLERK:** Not voting. Senator Lindstrom.

**LINDSTROM:** Yes.

**CLERK:** Voting yes. Senator Lathrop.

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**LATHROP:** Yes.

**CLERK:** Voting yes. Senator La Grone.

**La GRONE:** No.

**CLERK:** Voting no. Senator Kolterman.

**KOLTERMAN:** Not voting.

**CLERK:** Not voting. Senator Kolowski.

**KOLOWSKI:** Yes.

**CLERK:** Voting yes. Senator Hunt.

**HUNT:** Yes.

**CLERK:** Voting yes. Senator Hughes.

**HUGHES:** Not voting.

**CLERK:** Not voting. Senator Howard.

**HOWARD:** Yes.

**CLERK:** Voting yes. Senator Hilkemann.

**HILKEMANN:** Yes.

**CLERK:** Voting yes. Senator Hilgers.

**HILGERS:** No.

**CLERK:** Voting no. Senator Matt Hansen.

**M. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** Not voting.

**CLERK:** Not voting. Senator Halloran.

**HALLORAN:** No.

**CLERK:** Voting no. Senator Groene.

**GROENE:** No.

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**CLERK:** Voting no. Senator Gragert.

**GRAGERT:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** No.

**CLERK:** Voting no. Senator Friesen.

**FRIESEN:** Not voting.

**CLERK:** Not voting. Senator Erdman.

**ERDMAN:** No.

**CLERK:** Voting no. Senator Dorn.

**DORN:** Yes.

**CLERK:** Voting yes. Thank you. Senator DeBoer.

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** Yes.

**CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** Not voting.

**CLERK:** Not voting. Senator Chambers.

**CHAMBERS:** Yes.

**CLERK:** Voting yes. Senator Cavanaugh.

**CAVANAUGH:** Yes.

**CLERK:** Voting yes. Senator Briese.

**BRIESE:** No.

**CLERK:** Voting no. Senator Brewer.

**BREWER:** Not voting.

**CLERK:** Not voting. Senator Brandt.

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**BRANDT:** Yes.

**CLERK:** Voting yes. Senator Bostelman.

**BOSTELMAN:** Not voting.

**CLERK:** Not voting. Senator Bolz.

**BOLZ:** Yes.

**CLERK:** Voting yes. Senator Blood.

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Arch.

**ARCH:** Not voting.

**CLERK:** Not voting. Senator Albrecht.

**ALBRECHT:** No.

**CLERK:** Voting no. 28 ayes, 10 nays, Mr. President, on the motion to suspend the rules.

**SCHEER:** Threshold was 30 to suspend the rules. The rules were not suspended. Mr. Clerk, for items.

**CLERK:** Thank you, Mr.-- yes, Mr. President, I do, a couple. First of all, new resolution. Senator Gragert offers LR461. That'll be laid over. Name add. Senator Bolz would like to add her name to LB1052, and Mr. President, Senator Hilkemann would move to recess the body until 1:30 p.m.

**SCHEER:** Colleagues, you've heard the motion to recess. All those in favor please say aye. Any opposed say nay. We are in recess.

[RECESS]

**WILLIAMS:** 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:** I have a quorum present, Mr. President.

**WILLIAMS:** Thank you, Mr. Clerk. Any items for the record?

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**CLERK:** I have nothing at this time.

**WILLIAMS:** Thank you, Mr. Clerk. We'll proceed to the first item on this afternoon's agenda. Mr. Clerk.

**CLERK:** Mr. President, LB814, a bill originally introduced by Senator Geist. Pursuant to Rule 6, Section 3(f), Senator Hunt would move to indefinitely postpone the bill.

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

**HUNT:** Thank you, Mr. President. Here we are at the hallowed hour of 1:30 as foretold by the Speaker of the Legislature, who in the midst of a pandemic, a public health crisis, with evictions, with the unemployment benefits running out, with meat packing and food processing workers terrified to go to work and being taken advantage of by companies and by a system that values growing wealth for themselves more than the lives of immigrant workers who you all just spat in the face of with the last vote that we took, all of you pro-life people, with the need for police oversight, with the need for a serious conversation about racial equity, all of which we have the opportunity and power to influence. With all of that, we thought we better get this bill, a bill that was never voted out of committee into its own hallowed and sanctified time slot of 1:30 today. I made a motion this morning to move Senator Wayne's LB866 into this time slot. Why? Because nobody's priority bill deserves to get special treatment over someone else's. Wayne's bill-- Senator Wayne's bill is next on the list in the list of bills we have to discuss today. Many of these are important bills that we have on the list today that are not very controversial, that help people in measurable ways, that I would like us to get to. But we are passing all of that over to force an unconstitutional abortion ban that we can't even afford onto the agenda. I don't come to the floor in the morning for the prayer, which is another subject, but I do listen, and I listened to the prayer this morning. Senator Williams gave the prayer and he talked about helping us make good decisions about having a thriving economy and supporting businesses and fair tax policy, and that we want good education for our kids and ask the Lord to help us focus on these common goals. And that's why I continue my call for Senator Geist to withdraw this bill, because right now, we do need to put aside the most contentious, divisive debates that can possibly face us to regain civility so we can focus on the most important issues that are facing Nebraskans. Like the budget, like COVID relief, like racial equity, like property tax reform, like tax incentives. However we feel about abortion, however we feel about pregnancy, we should all agree that a woman's health, not politics, should guide important medical decisions for

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patients at every point in pregnancy. LB814 makes it a felony for physicians to do a medical procedure that is within the standard of care. The decision about the most appropriate method to end a pregnancy, it belongs with the woman and her doctor, not with politicians, because every pregnancy is different. Anybody in this room who's experienced a pregnancy, who's lost a pregnancy understands that we cannot have a one-size-fits-all bill. That that has no place in our healthcare decisions, especially from politicians like us who don't know better than the patient and the doctor themselves. The increase in resources that we've gotten from the federal government to deal with COVID-19 requires all of us-- plus the problematic nature of this whole bill, plus the measure of pulling this bill out of its committee, plus all the bad faith maneuvers on the part of the Lieutenant Governor affirms my decision to take the work of defeating this bill very, very seriously. I know that part of this is a math problem. I don't think the votes look good for this, but I know that time looks good for me. And that's why I continue to urge Senator Geist to pull this bill. We can do your six-week ban next year. I know that that's the goal for everybody. We want to get rid of abortion entirely. And in Senator Geist's own words, she said that she introduced this bill because she thought this was one that we could pass. But during a pandemic, during everything going on. When you invite me to a party like this, I attend and I'm gonna stay the whole time. So, look, colleagues, the decision about whether and when to become a parent is one of the most important life decisions we make. Once someone makes the decision to end a pregnancy, their care should be safe, affordable, and free from punishment or judgment. Every pregnancy is different and there is no medical reason to restrict this care. If you understand this procedure and you understand this type of care, this method, there is no medical reason to restrict it, only political reasons. Abortion is legal, and this procedure is the standard of care for abortions after 14 or 15 weeks. We shouldn't tie doctors' hands and prevent them from using a safe and recommended procedure when it's necessary. It's not always possible for a woman to end a pregnancy as soon as she's made her decision. And many things can stand in her way from travel distance, from not being able to afford it, or barriers put in place by politicians such as bans on coverage, bans on methods like this bill here, or even lack of access to contraception, which this body has blocked in the past. Some women have to wait three or four weeks for an appointment and then travel hundreds of miles for numerous appointments because of trap laws and policies that politicians like us have put on to block women from getting care they need. We all have strong feelings about pregnancy. But, colleagues, it's not for us to judge. And this conversation should never be about why a patient needs to end a pregnancy. But it's

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about why patients need the option and the ability to make that decision with their doctor without the interference of politicians who don't know any better. This bill introducer, Senator Geist, has already said that she wants to introduce a total ban, but she thought that this was the only bill that we could get passed this year. So it's not that the introducer or the proponents have some kind of commitment about this particular method. It's not about this method because the strategy, colleagues, is to go method by method until all abortion access is illegal. And that's the introducer's own words. So it's not that there's something so special and important about this method. It's a political move in a pandemic, in a public health crisis that's gonna waste a lot of time. And we also know that it's gonna waste a lot of taxpayer money. And we'll get to that later, too. However we feel, however your values tell you to feel, living a safe and healthy life is a basic right, as is the freedom to define our own path. And when people can make decisions that are best for their lives, best for their families, best for the children that they already have, that's when we're able to thrive. And that's when we have communities where everybody is able to live with dignity. However we feel about abortion, we can agree that once a woman has made that decision, she shouldn't be denied that care because she's poor or because where she lives or because of who she is. And we can never know all the reasons that a, a person chooses to end a pregnancy. We aren't in their shoes, but we can agree that the decision must always remain with her in consultation with her family, her medical provider, and her faith, because it's not for us to judge anybody's decision. I can't make that decision for someone else. That's for their patient. That's for their family. That's what's best for them. Decisions about how and under what circumstances to become a parent are sacred and personal and they have to be made between a woman and her family and her faith. And in an a just and righteous society, a woman and her family are trusted to make these deeply personal decisions. Women are trusted to know what's best for their health more than politicians who may be hundreds of miles away with no healthcare experience at all. That's us.

**WILLIAMS:** One minute.

**HUNT:** Do you know that 75 percent of women who get this procedure already have kids. They know what it's like to be a mother. They understand what it's like to go through a pregnancy. They're informed. They're in conversation with their doctor. They're making fully informed choices. And we are all called, no matter how we feel personally, to speak out against the shame that bullies women out of making parenting decisions that are best for them and their families

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and their faith. Some policymakers on special interests want to impose their values on others, but I trust women to know what's best for themselves and their families. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hunt. In the queue are Senators Hunt, Clements, and Morfeld. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. I, I do want you guys-- I want you all to know that my, my position on this is coming from a place of values. My position on this, on this issue is informed by my values and my experience, which shaped and evolved my values. So what are those values? Well, my highest value is freedom above all else. My top personal value is freedom, and for that reason, of course, I'm a huge American patriot as I see myself. But my, my values are also autonomy and personal agency, health and safety, fair treatment, dignity for everybody, for everybody. A lot of people don't know that when I was in my early 20s, my political views were actually quite similar to many of my colleagues on the far right. My political views in my early 20s were quite similar to Senator Slama's, for example. I was the president of my campus conservatives organization. I founded the gun club and we were actually forced by the college board to change the name to the Second Amendment Club, which made me really upset. And I had all kinds of free speech arguments about that with the board. I founded another club called Advocates of Liberty that champion libertarian issues, and I helped students at other colleges start their own chapters of that club I created. So that was all a world that I was very much steeped in in my early 20s. And what I'm grateful for is that I've always been open to evidence. I've always been open to changing my mind. And I've had the opportunity to evolve. I had the opportunity to evolve on my positions on a lot of issues because I received new information and I had new experiences and I met different people and it expanded the sphere of what I was exposed to. And I learned from them and allowed myself to deepen and expand some of the strongly held beliefs that I had. And we're all full of contradictions. That's it. We can contain multiple beliefs at the same time and even be in contradiction with ourselves. And I think that's where many of my colleagues feel on votes like this. It's also why it pains me so much that in the middle of a pandemic, we're probably all gonna be forced to take an abortion vote when Nebraskans are telling us this is nowhere near the top of their list of priorities. It just shows the level of seriousness about priorities of Nebraskans that we have here is very low. And I'm not even saying this isn't a priority for many people. I know for many people this is the top issue. But I'm firmly saying that for most Nebraskans, this is nowhere near the top, especially given that we know that once a woman makes a decision, the

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personal decision to end a pregnancy, if she's unable to do that, she's more likely to face other financial hardships. This bill won't only be expensive for the state because of the cost of litigation and the court costs that are sure to come. It'll push people into poverty. And we know that. I can show you data about that. But I also know that the data doesn't change people's minds. We've all received many, many, many letters about this. But I received one interesting letter from a woman named Lynn Zeleski and she testified on a similar bill in the past. She's from Hastings, Nebraska. Ms. Zeleski sought a D&E abortion, which is the type of method that we would be banning if this bill passes, in 1983 after finding out that her pregnancy was not viable after 22 weeks and her health was in danger.

**WILLIAMS:** One minute.

**HUNT:** Two other women had similar needs in the region within that year. Their lives were saved because they were able to access the vital healthcare that they needed with the guidance of their physicians, in consultation with their families and with no interference from Nebraska politicians. Their lives were saved because they were able to safely end those pregnancies. As Ms. Zeleski pointed out, it was already difficult to get the healthcare she needed in 1983 when there were no laws in place limiting abortion procedures. By adding more restrictions, even with some exceptions, it ensures that there are more barriers to women who need to access this care. This bill does nothing more than ban the care that doctors say women need, and we cannot stand in the place between a physician and their patient when a physician is using their best judgment and we cannot make it a felony for them to do so. And I'll continue on my next turn. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hunt. Following the indefinitely postponed motion, the principal introducer of the bill is given five minutes to respond. Senator Geist, you're recognized.

**GEIST:** Thank you, Mr. President. And thank you, members of the Legislature. As we begin the debate on LB814, I would first like to thank those of you who voted to bring this bill to the floor and to all of you, I'd ask for just a few minutes if you would put aside your preconceived ideas about what you think of this bill and the debate-- what the debate is about, and hear me out as to why I brought the bill. I knew we were entering a rather stressful time in the Legislature in January. It's a short session. There's property tax and business incentives on the table. That alone is a lot to get done. I had no idea COVID-19 would interrupt our session, much less all the social unrest that has followed. However, I think it's a fitting time

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in our community to ask ourselves about the value of life. When you distill all the controversy that's going on in our community now, that's the bottom line. Right? How do we value our fellow man or woman? Regardless of race, regardless of health, regardless of economy, it's a good time to reflect on the value of all life. I know simply saying this is an abortion bill sends each side running to their corner. My intention never has been to stir up controversy. I actually think this bill is different. I think it offers some common ground. I don't enjoy the contention that the bill stirs up, but I feel strongly enough about this bill and the message this bill offers, and I believe it needs to be heard. I also think the majority of Nebraskans support the premise of this bill. LB814 would end the practice of killing a live baby in the second trimester of pregnancy by pulling off its arms and legs piece by piece until it either bleeds to death, its spinal cord is cut, or its skull is crushed. It's an unthinkable way to dispose of a child. Medically, this is called a D&E abortion or a dilation and evacuation. It's also referred to as a dismemberment abortion. It's horrific to talk about and I believe it's barbaric and inhumane. Fortunately, this practice is done relatively infrequently in Nebraska. In 2017, there were 21 cases out of 133 or 16 percent of second trimester abortions. In 2018, there were 32 out of 178 or 18 percent. And in 29 [SIC], there were 6 out of 181, which is only 3 percent. So you can see this bill would not limit access to second trimester abortions in Nebraska. It's also not my intention or place to judge these women or their circumstances. However, those decisions would not be hindered by banning this practice. LB814 simply calls upon the physician to perform another procedure to induce abortion rather than this one. One or several of these procedures are already being practiced in this state with regularity. So I ask you, is it necessary to perform this procedure on a living child? I say no. LB814 says no. And I hope you vote green and say no. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Geist. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I stand in support of LB814. I'm also a cosponsor of LB814. I ran as a pro-life candidate and was successful and found that it is an important issue in my district. As the bill was heard in committee, I listened to the community debate and especially the expert, Dr. Kathi Aultman, a former abortionist physician. Quote, she said, A major benefit of LB814 is that it will spare mothers the agony and guilt of knowing that their child was torn limb from limb while it was alive. Back in the 60s, we knew less about the fetus in the womb. And since then, with ultrasound technology, we

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know that babies this age feel pain and are tiny human beings, not just globs of inert tissue. Also, Kristen New, a former counselor testified that worked as a counselor for three years at two different clinics. These beliefs drastically changed once I observed the second trimester of dismemberment abortion. Kristen saw the baby had feelings and was alive. She quit the abortion clinic work. LB814 is not prohibiting second-term abortion. Other methods will still be legal, but less inhumane. As Senator Geist said, there have been 59 of those in the last 3 years out of 492 total second trimester procedures. That means that seven out of eight of them would not have been prohibited if this bill had been in effect three years ago. And I also saw that about in the last 3 years, total abortions were 5,943. This would have banned 59 of those. Still, there would have been 5,884 procedures still legal in Nebraska. And so I think it's important to protect the lives of these innocent children and to be more humane in the procedure. And I support LB814 and would yield the rest of my time to Senator Geist.

**WILLIAMS:** Thank you, Senator Clements. Senator Geist, you're yielded two and a half minutes.

**GEIST:** Thank you, Mr. President. I want to just offer to Senator Hunt that actually there are many things that she stated in her opening that we actually agree on. One of those that, that I wrote down as she commented that living a safe and healthy life is a basic right. And I totally agree with that. I think the difference that we have is that when that right takes place. My view would be that it's a basic human right for a baby in the womb to live a safe and healthy life. And beginning from the point that baby is made to until that child is delivered and throughout its life. So there are ways that Senator Hunt and I agree, and I'm sure that there are ways that many of us agree, we may just have a different way of expressing those beliefs. With this bill, my belief is that there are other ways to accomplish the same end. My belief is also that the baby in the womb has the right to not be horrifically destroyed. If the mother intends to destroy the child, that should be done in a way--

**WILLIAMS:** One minute.

**GEIST:** --thank you, Mr. President-- in a way that is in the least inhumane manner possible and with the least amount of suffering to that child. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Geist and Senator Clements. Senator Morfeld, you're recognized.

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**MORFELD:** Thank you, Mr. President. Colleagues, I rise in opposition to LB814 for many different reasons. First, I appreciate that Senator Geist wants to ensure, and I'm gonna make sure I read her words, take-- talk about life, the value of life, of all life. Well, I do too. And I think that when it comes to talking about the value of all life, then we need to talk about the value of life after someone is born. So it rings hollow to me when my colleagues in this body vote for a bill like this, but then vote against making it so that contraception for low-income women is tougher to have. It rings hollow when people cannot access healthcare for that child or for themselves and then vote against measures that would allow for that to happen and provide no alternatives. It's not as though we just disagree about how we get there, it's that there are no solutions that are provided in the alternative. Colleagues, today I'm going to be reading just a little bit in terms of the case law and some of the legal standing and how this bill, like many other bills similar to it, have been found unconstitutional. This bill will be found unconstitutional as well. It will costs the state a lot of money, the taxpayers money that, quite frankly, we were just debating over much smaller amounts yesterday in this very Chamber. In Nebraska, our values demand that we help our neighbors and that we don't judge and shame our neighbors for decisions that they make, and that's why I'm opposed to this bill, and I think it's important that the body appreciate the legal and constitutional landscape of the law underlying a woman's right to privacy and the right to autonomy of her healthcare decisions. Because if we can take away a woman's ability to have an abortion, then the state can also violate that woman's constitutional right to their autonomy by forcing them to have an abortion as well. That could be the end result down the road if we continue to violate a woman's right to autonomy. We need to keep in mind that what a state can do constitutionally in terms of being consistent regarding the regulation of abortion. For more than 40 years, the U.S. Supreme Court has never wavered from his ruling that, quote, Regardless of whether exceptions are made for particular circumstances, a state may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability. Now, Senator Geist states that she doesn't believe that this procedure should ever be performed. Unfortunately, doctors have testified that it must be performed in some cases for the health and safety of the mother. I'm not a doctor. Senator Geist is not a doctor. There are no medical doctors that I know of in this body. This is a choice between a woman and a doctor. The U.S. Supreme Court has also stated that a woman's right to terminate her pregnancy before viability is the most central principle of Roe v. Wade. It is a rule of law and a component of liberty we cannot renounce. That is quoted from the Supreme Court. The court has also made it clear that while a

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state may enact restrictions designed to promote its interest in fetal life, such a law is unconstitutional if its purpose has the effect of placing a substantial obstacle in the path of a woman seeking an abortion. And Senator Geist has noted before that that's her intent. The Supreme Court has recently reiterated this principle in Whole Woman's Health v. Hellerstedt stating that--

**WILLIAMS:** One minute.

**MORFELD:** --a pre-viability restriction that imposes an undue burden on a woman's ability to access abortion is unconstitutional. Quote, A statute which, while furthering a valid state interest, has the effect of placing a substantial obstacle in the path of a woman's choice cannot be considered a permissible means of serving its legitimate ends. So even if, even if it serves a valid state interest, if it puts an undue burden to that woman's constitutional right to choose, it is still unconstitutional. Colleagues, LB814 does just that. It places an unconstitutional burden on a woman's right to choose, a fundamental right that has been reaffirmed time after time by the U.S. Constitution. Regardless of how you feel about abortion, we all took an oath to uphold and defend the constitution. And that's why we should vote down LB814. And that's why I will be voting no. Thank you, Mr. President.

**WILLIAMS:** Time, Senator. Thank you, Senator Morfeld. Senator La Grone, you're recognized.

**La GRONE:** Thank you, Mr. President. Colleagues, I rise, obviously, opposed to the indefinitely postpone motion in favor of LB814. I wanted to take a second to address constitutionality. So I think it's fitting that I follow Senator Morfeld. I agree with his statement that the Whole Woman's Health standard applies here. However, I think he's forgetting that this past June in June Medical Services v. Russo, the Supreme Court soundly rejected that standard. So really, this bill is quite clearly constitutional and we've gotten more guidance on this since we were last here. And Senator McCollister pointed out that in the hearing Senator Geist said that this bill was questionably constitutional, but because of the June Medical Services v. Russo case, it has come down since then and makes pretty clear that this bill actually is constitutional. So there were two standards that you could apply to a bill like this. There was the one that Senator Morfeld mentioned. And then there was the rational basis, undue burden analysis. As I previously mentioned, the one that Senator Morfeld mentioned was rejected in June Medical Services v. Russo by five members of the U.S. Supreme Court, including Justice Roberts' controlling opinion. So that leaves us with the rational basis, undue

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burden analysis. As Senator Morfeld mentioned, this state has a-- an interest-- a rational basis interest in promoting viability of children. So the only question here is whether or not this places an undue burden on a woman's right to abortion. Now, in states where a bill like this has been held unconstitutional under that standard, Arkansas and Alabama, for example. In Arkansas, 100 percent of the second trimester abortions were this kind of abortion. In Alabama, 99 percent of the, of the second trimester abortions where this kind of abortion. And that is why the court in those cases held that this placed an undue burden on a woman's, on a woman's access to abortion. In stark contrast in Nebraska, as Senator Geist laid out, in the past 3 years, 3 percent, 18 percent and 16 percent. Colleagues, that is a far cry from 99 and 100 percent, which is why this quite clearly does not place an undue burden on access to abortion and why this bill is now, after the recent Supreme Court decision, very clearly constitutional. So I think this is pretty clear cut. So I won't take up any more time on that. And with that, I'd yield the remainder of my time to Senator Geist.

**WILLIAMS:** Thank you, Senator La Grone. Senator Geist, you're yielded 2:25.

**GEIST:** Thank you, Mr. President. And I would just like to respond a little bit to what Senator Morfeld said. And I actually do understand his perspective. I understand what he's saying, that he thinks that I vote against things that would help people in unfortunate circumstances. And I think one of the things that we don't say very often on this floor is that we have some philosophical political disagreements in how things should be solved in our society. And one of those is, do we think that government is responsible for solving the social ills of society? And in some cases, the answer is yes. In some cases, the answer is no. And we each have to weigh those things according to what we think the role of government is. I believe we have a huge personal responsibility in solving ills of society for those who are less fortunate than us. I believe in sharing what we have in giving to those who are less fortunate and helping those-- the women who we're talking about in this bill. I believe it is our--

**WILLIAMS:** One minute.

**GEIST:** --personal-- thank you, Mr. President. It, it is our personal responsibility to reach out and help women in this situation. The difference is I don't always see government as being the best solution. I think what changes people's lives are personal relationships, not government relationships. Now, there are times that that's different. It's a good thing for government to step in. So I'm

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not gonna say there's not a role for government here. Because obviously, I'm asking government to step in and correct something that I believe is inhumane and should not be happening. However, the care of those individuals belong to us personally. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Geist and Senator La Grone. Senator Ben Hansen, you're recognized.

**B. HANSEN:** Thank you, Mr. President. Colleagues, I'd like to share maybe a different perspective and provide maybe a couple of arguments that I believe can be made with relevant of religious implication or personal bias. And the first one I'd kind of like to talk about is the idea of biological authenticity of the unborn child's identity. Some I kind of talked about earlier. And also the other one that we've been hearing a lot in the news and something that we should all be taking very seriously and care about is the idea of justice and equality under the law. So first, I'd like to talk a little more and discuss about the bioethical argument against dismemberment, dismemberment abortion within the greater context of abortion in general. Every embryological textbook used today recognizes that the human organism that begins from fertilization is a living member of the human species. It's a member of the species Homo, Homo sapiens. This isn't just a polyp or a wart that is growing, but a human organism, a living whole organism that directs the child along a developmental path that is species specific and it's on its-- and it's on the own-- the child's own authority. The fetus needs, of course, like we all do, a natural environment to support life and so on. In essence, we're talking about a living member of the human species that's nondebatable as a biological issue that doesn't require any religious or special interest conceptions at all. So my second argument is the argument that we talked about earlier, that about justice and equality under the law derived from some of our nation's most institutional and important documents. Most specifically, the Declaration of Independence and the constitution. And the idea that individuals-- yes, I am including those inside the womb as well, since we've already determined them to be of the human species, deserve equal protection under the law. And if you're going to reject an entire segment of the human family from the protection of the law, because they have no heartbeat, as we know many today wear pacemakers, or because they don't breathe air yet, we know there are many in the world relying on respirators, especially right now, or because they are temporarily incapable of certain kinds of highlight-- high-level neurological or behavioral-- behavior functioning, there are many people today in a coma or have Alzheimer's or have neurological deficiencies. So what

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rights do they have then if we're gonna include them in this group? To deny them protection of the law, that's an injustice of the highest order in my mind. So if you comprehend the essential categories of biology and the principles of equality and equal justice under the law, which I hope we all do as Americans, then you should be able to understand and agree to the idea of not only the gruesome act of tearing a fetus apart in the womb, but of the pro-life proposition in general. It's a way I'd like to call fundamental equality. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hansen. Senator Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues, I rise in strong support of LB814 and in opposition to the motion that's on the board right now. I want to focus most of my comments on the constitutionality of this particular bill. We're making a record here today and throughout this debate. And I think it's important to ensure that, that as folks read-- watch this debate, read the transcripts, that they see that the body analyzed, discussed, reasoned with the, the constitutional framework. And I believe under that framework, this, this bill is very clearly constitutional. And I want-- I do appreciate Senator Morfeld's comments on this. And I think his reference to various Supreme Court decisions, I think is important. Because, as you will recall, as we take a step back the, the constitutional right to an abortion is not actually in the constitution. So it's not as if we can point to Article II or Article IV or some particular section of the constitution, and say, there it is, there's where the framers said that it's a constitutional right to an abortion. Instead, what it is, it is-- it was, was first put down in a decision, Roe v. Wade by the Supreme Court. So when we cite to this particular right, it is something that we then need to refer to what the Supreme Court has said. And so I want to give a, I think, an important-- two-- put two pins on the map for the body, as we, as we sort of do some analysis on this. And as the 2016 Whole Woman's Health decision that is referenced on the floor by Senator La Grone, and that was in 2016. And then the very recent Russo decision from the Supreme Court that just came out about a month ago. Why are those two things important? Well, in 2016, the Whole Women's Health decision actually created a slightly different standard of a broader standard, or one that's more restrictive on states' ability to impose some restrictions on abortion. And when I get to some of the arguments regarding the constitutionality, that's gonna be really important because each case, each state that will be cited on the floor that struck down a ban that was similar to this was done under that previous standard. So the

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other pin on the map, the later pin in the 2020 decision that just came down a month or so ago, made very clear there are five justices on the Supreme Court who reject that standard, as Senator La Grone said. Now, here's-- when that first one came down in 2016, it was a 5-3 decision. Senator-- or Justice Gorsuch and Justice Kavanaugh were on the court. Both, both of those two justices have made clear and there's five total that they reject that standard. And in June, reaffirmed that the, the substantial obstacle test is what applies here. And I think that was actually what Senator Morfeld referenced a little bit earlier. So I think the first point to be made is the standard that we're working under today is not the same standard that the other states that faced a similar bill, similar piece of legislation face. And it has very meaningful differences. Because the question is, can this state have a substantial obstacle? Can we do something-- does this particular bill, does this create a substantial obstacle? That's a very fact intensive test. That's a very fact intensive question. And that if you look at the record here, I think it's very clear that this is not a substantial obstacle to abortion. And I'm just gonna cite a couple statistics that was, I think, developed on the record at the hearing. In Nebraska, there are only-- this particular procedure that Senator Geist described, there are only 3 percent of the second trimester abortions in 2019 were this procedure, 18 percent in 2018 and 16 percent in 2017. So it's hard-pressed for me to conclude that a procedure that accounts for fewer than 20 percent of the abortions in the second trimester, banning that procedure would, would create a substantial obstacle to abortion. So primarily on this fact intensive question, I believe the facts are plain and uncontroverted, that this is a procedure that does not make up a plurality, does not make up--

**WILLIAMS:** One minute.

**HILGERS:** --a majority-- thank you, Mr. President-- of those-- of abortions in Nebraska. We have the ability to do this under the constitution. The primary arguments that I've heard in, in opposition and I will be on the mike a little bit later, I suppose, be back in the queue. Number one, there's an appeal to these other states and say, well, there's seven other states that have declared this to be unconstitutional. So this is therefore unconstitutional. That's wrong because it's a different standard, as I just described. Each one of those took place before the June Russo decision. And secondly, each one of those had a far different factual scenario than the one we have here. Instead of 18 percent, 10 percent, 6 percent, they were 90 percent, 95 percent, 99 percent. The second argument I've heard as well, there could be, there could be an emergency. It could be

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something that they would have to do. Senator Geist has an exception in her bill to cover that particular circumstance. And last, the argument was, well, we can't we, can't ban all abortions. This doesn't-- this does not ban all abortions. I'll come back on the mike and dig into some of those other states and those decisions so we have a full record. But I do stand in strong support of LB814. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hilgers. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. I rise today in strong support for LB814 to put an end to the barbaric practice of dismemberment abortion in the state of Nebraska. Discussion of this bill subject matter, as we saw last week, it's bound to make some of you uncomfortable. But each of you and the rest of Nebraska needs to know exactly what we're talking about today. A 20-week-old fetus is about the size of an adult hand, probably a little bit bigger than mine because my hand's a little bit small, from fingertip to wrist. This doesn't include the baby's legs. And the procedure itself-- this dismemberment abortion, after the woman's cervix is dilated, a suction catheter is used to suck out the amniotic fluid from the womb. The abortionist then uses metal forceps with sharp metal teeth to grab and tear away parts of the living baby, just grabbing whatever they can get. Maybe it's an arm. Maybe it's a leg. So the leg is about four inches long at this point. So about as long as my longest finger. In any case, the baby is ripped limb by limb from her mother's womb until only the spine and the skull remain. After the spine is removed, the head, which is the most difficult part of the baby to remove, is crushed to allow for easier removal. During this process, the face of the baby can be damaged. But oftentimes the abortionist is left with a little face about the size of a half dollar looking at-- up at him. Never to smile, laugh, or see the light of day. Just a head left to be reunited with its other limbs, which are organized on the table to ensure that no piece of this child has been left inside the mother. I can see a few of you are upset right now. The few of you that actually remain on the floor. Hearing how this procedure actually works should horrify you, make you uncomfortable. Senator Geist's bill doesn't ban this form of abortion if the child has already passed away either from natural causes or due to an injection or snipping the umbilical cord to cause fetal demise. This bill regulates the moments of death for this baby. Will this baby die by receiving an injection or snipping of the umbilical cord? Or will it die because its leg has been ripped off of its living body? Before you vote on this bill, take a moment to reflect on this description. Take a moment to revisit how

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uncomfortable you are at the thought of a living child about this size being ripped limb from limb away from the womb. The dismemberments of a living baby is not a healthcare decision. It is a measure of basic human decency. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Slama. Senator Lowe, you're recognized.

**LOWE:** Thank you, Mr. President. I stand in strong support of LB814 and against the motion to indefinitely postpone. Last time when I spoke on the pull motion, I ended my speech with one minute of silence for the babies that were aborted. I will not do that this time. This time, I'm going to explain a little more. Many of you know my wife, my beautiful wife, Kim. I'm very lucky that she said yes when I asked her to marry me. She was a premature baby. Not much more than the length of your hand from the tip of your fingers to your palm when she was born. Her parents dressed her in doll clothes after she got out of the hospital. Because she was too small to wear an infant's clothing. We are talking about children approximately the same size in the second trimester. They're about from the tip of your finger to the bottom of your palm. So let's not talk about them when they're in the womb. Let's magically take them out of the womb for this conversation. Let's hold them in our hand and picture that as the doctor uses the sulfur clamp. The sulfur clamp is a clamp that is about 13 inches long on the business end, the end that uses the grabbing tools. It has a row of very sharp teeth, and once it is applied, they do not let go. That doctor then goes up, and it takes the baby, that would be in your hand now, reaches in and tries to grab something, and they grab an arm and a leg and they pull very hard and very quick to rip that leg or arm off of that baby. And then they go in and they pull more limbs off this baby. They will finally go in and crush the chest of this baby that you now hold in your hand, because your hand symbolizes the womb. Once they pull the chest out, they go after the head and they crush this little baby's head that you are holding in your hand. They know it is successful when the white fluid drains out and off of your fingers now, because it is in your hand. They then clean it out and piece it back together again. This once live baby. This is a picture I want everyone on this floor, and those of you not on the floor, to picture in your mind when you go to a vote about what we do to a live baby. Many of you that would not vote for this would stop and pick up a robin's egg that dropped out of the nest because you feel sorry for that egg. I don't believe any of you would purposely step on that robin's egg. And that is what we are doing with this baby.

**WILLIAMS:** One minute.

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**LOWE:** Thank you, Mr. President. We are crushing that baby to death. We are ripping apart that baby. This bill, LB814, from Senator Geist will stop that. It does not stop the dismemberment of a baby who has already met its demise. I don't believe God would ever make a man who would be willing to do this. Evil must come into a person who is willing to crush a ba-- a live baby.

**WILLIAMS:** Time, Senator.

**LOWE:** Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Lowe. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. President. I want to address a different topic, a different issue on this matter today. And that has to do with pain. That, that is the, that is the question of does, does the baby experience pain during this procedure? I-- as I was researching this, I, I-- what came across my mind was you go into a hospital and you're sitting in a hospital bed and the, the nurse may come in and they usually have these smiley or frowny faces on a scale of 10. And they ask you, how much pain are you experiencing here? Point. Right? So that's the-- that's that pain scale that we experience as adults. And we're able to identify our level of pain. But pain for one person, pain for another person is quite different. Pain thresholds, our ability to endure pain, quite different. But it's real for us. And so we'll point to one of those faces and identify that. But, of course, a, a child in the womb can't do that. So, so how do you determine whether or not that child can experience pain? And at what point in the, in the developmental stages of a human being does that pain ability-- ability to identify pain come. In, in, in my previous life at the hospital, newborn hearing screening. At birth, we are now able to screen newborns for hearing loss. Not because they can raise their hand and identify and say, yes, I can hear that tone or not. We do that in an audio booth later as an adult, but rather there are, there are scientific measurements now that enable us to determine that. So you go back to science and a word that I learned in this process was nociception. It is, it is defined as this, it's the perception of a painful or injurious stimulus. Nociception. And, and as I read some quotes here, you're gonna hear that word used. And I, I want to give you another quote. And this is from Thomas E. Wessel [PHONETIC] in the New England Journal of Medicine in April 24, 1997. And this is the quote, In reality, infants have all the anatomical and functional components required for nociception. And they react appropriately to painful stimuli. Infants, so newborns. So we know that at birth that ability to understand and respond to pain is there is there. At what point in the developmental process does that occur? And that is what I

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want to talk about. So the first thing I want to talk about is, is this, and I-- I'm not sure I'm gonna get done with this on this particular time. I'll, I'll press my button after this. But the first thing I want to talk about is, is the baby physiologically capable of experiencing pain? I'm gonna read some quotes here. I'm not gonna take the time to read the sources of each one of those quotes. These are-- this is from a literature review. So each one of these are a different source. I'd be happy to provide those original sources to anybody that would want that. But I'm gonna read some quotes. So at, at what time does, does the baby physiologically develop to the point of capability physiologically? So the development of the nervous system, and here I'm gonna read some quotes. Quote, The basic organization of the nervous system is established by 28 days, four weeks postfertilization. Quote, The earliest neurons are formed at four weeks, postfertilization in the neocortex. The earliest function of the neocortex as a network begins in the seventh week postfertilization. The first essential requirement for nociception-- again, that's the perception or sensation of pain, is the presence of sensory receptors which develop first in the perioral area around the mouth at around seven weeks gestation. Palmar surfaces of the hands and soles of the feet from 11 weeks, 9 weeks postfertilization.

**WILLIAMS:** One minute.

**ARCH:** By 20 weeks, 18 weeks postfertilization, they are present throughout all of the skin and mucosal surfaces. So development of the nervous system. Development of the thalamus and subcortical plate. So these are nerves that connect pain receptors to the brain's thalamus. Quote, The connection between the spinal cord and the thalamus, an obligatory station through which nearly all sensory information must pass before reaching the cortex starts to develop from 14 weeks onwards and is finished at 20 weeks. The physiological development is there. There's more quotes I don't have time to read. The physiological development is there. But there's more that I would like to address. Thank you.

**WILLIAMS:** Thank you, Senator Arch. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Mr. President. Good afternoon, Nebraska and colleagues. I want to talk about something that we haven't talked about. It's been mentioned a little bit on the floor is the women's health side of this. And I'm gonna read from article and I will tell you in advance that there's-- there may be parts of this article I read from that some will find disturbing. So-- but it's factual as to what happened to these ladies. And that's my-- that's one of the

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concerns we have with, with this type of procedure. So late term-- and I'll read from this, says, late-term abortionist mangled two patients and their babies so badly that ER staff were traumatized. The incident, incident reports have revealed that in, in just nine days, two women suffered life-threatening, horrific injuries during late-term abortions by abortionist LeRoy Carhart's abortion business. And this happened in Bethesda, Maryland. The abortions were both committed at 25 weeks gestation at the facility formerly known as AbortionClinics.org which is now known as CARE, Clinics for Abortion and Reproductive Excellence. Maryland is one of just eight states that has no gestational age limit on abortions. There was an anonymous whistleblower who first reported the injuries was as a, was as a witness to the gruesome incidents which occurred on May 12 and 21 of 2020. They were able to, to obtain the incident reports from the Montgomery County Maryland Fire and Rescue Services both-- for both emergency-- both emergencies and both women were transported by ambulance to the Shady Grove Adventist Hospital in Rockville, though Carhart does not have admitting privileges there and therefore the emergency medical staff likely did not know the full and extent of the women's injuries. And if we're talking concern about the, the mother, this is a part I'll say is the warning in the article says the description of injuries below may be disturbing to some readers and listeners in this case. The incident reported from the May 12 emergency shows that upon arrival at the hospital, patient number one was in critical condition due to life-threatening injuries that occurred during a D&E dismemberment, dismemberment abortion at 25 weeks. At this age, preborn children are known to feel pain. At a D&E abortion, the abortionist brutally kills a preborn child by tearing the child's limbs from its body. In this case, abortionist punctured patient number one's uterus and caused abnormal internal injuries. She was taken in for emergency surgery and the whistleblower told that it was the most horrific thing I've ever seen. Patient number one reportedly had a huge hole in her uterus and her bowels were mangled. Parts of her baby were still inside her womb, some of which had been shoved through the hole in her uterus, including one of the baby's legs according to the operation rescue. She was bleeding heavily from a ruptured uterus and other internal injuries. She was in shock and on the verge of unconsciousness according to the whistleblower. She was also feverish, hot to the touch and showing signs of sepsis. Within minutes, the patient was rushed into the operating room for emergency surgery. Once her belly was opened, it was determined that her internal injuries were so severe that a call was made for a general surgeon. The damage to the woman's body was too difficult to fully repair and her bowel was recessed, recessed. She received a colon-- colostomy with an external bag and was discharged nine days later.

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Patient number two injured on May 21 suffered injuries that included a perforation of her uterus about eight to nine inches wide. The woman arrived at the emergency room in very critical condition following a D&E abortion at 25 weeks.

**WILLIAMS:** One minute.

**BOSTELMAN:** The damage was so extensive that a hysterectomy had to be performed. And she reportedly received four units of blood just to keep her alive. Parts of her baby were also pushed through the hole in her uterus and into her abdominal cavity. The baby was mostly still in tact, except for a missing arm and portion of the spinal column. Noted that the child's head was still attached, but only by a strip of flesh. Also noting that the whistleblower indicated that it was quite gruesome and upsetting to see a newly-- nearly complete fetus pushed inside that abdominal cavity and wondered about the force it took to shove the baby's body that far into the mother's abdomen. And it goes on. I support LB814. I do not support the IPP motion. I believe time is of the essence. I had asked maybe we should all shut off our lights and let's have a vote and let's move on. I would ask that you all would--

**WILLIAMS:** Time, Senator.

**BOSTELMAN:** --vote green on LB814. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Bostelman. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. Speaker. I stand in doubt of both the bill and the motion to indefinitely postpone. And I am definitely coming from this at a different angle than what I've been hearing on the mike today. And I may not be real popular for doing this, but here's my issue. From the moment that this bill was dropped, I have talked-- spoken with Senator Geist and all of the supporters of this bill and pointed out flaws. There are multiple technical flaws. There is nobody on this floor that doesn't care about these, these children and these mothers. Nobody. But it should be everybody's job on this floor to care about good legislation that protects these people you claim you want to protect. And so I'm gonna ask Senator Geist to put pen to paper, even though I've discussed these issues with her, and explain to me why this bill hasn't been changed. And do not come to me and say we'll do this in between General and Select. You've had seven months. If this is truly about these children that you so passionately keep talking about on the floor, about your faith, about how disgusted you are about this, fix this bill. Senator Geist said it's not her place

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to judge and that personal responsibility-- that it is our personal responsibility to protect these women and children. But if you look at page 5, line 25, it talks about the criminality of the woman. If the woman got pregnant through criminal conduct, she cannot get injunctive relief. Why? If the life of the baby is the issue here, why would prostitution or sex trafficking mean the mother cannot sue? A sex trafficking victim isn't going to be taken to a doctor if they become pregnant. It's likely she'd be in the second trimester of pregnancy before she could or would seek help because it would be hard for her to get away from her abuser. Sex trafficking victims don't have autonomy over their own lives. So you're telling me that these victims don't have as much of value as somebody who is not trafficked on page 5, line 25. Again, my concerns are about the unintended consequences of this bill. Page 2, line 22: Dismemberment abortion means an abortion in which the purpose of causing the death of an unborn child, a person purposely dismembers the body of a living unborn child. Obviously meant to elicit an emotional response. But since there's an argument made constantly that this is not yet a child by those that support abortion, what prevents a doctor who carries out this procedure to simply claim their intent does not match the description in the bill? How do you fix this wording? What about Section 4, page 5, it allows for a cause of action for injunctive relief after the abortion for the woman or the woman's parents, as well as prosecutors, but allows no action at all for the father or presumed father or his parents. Fatherhood can be proved from fetuses. They use the DNA from aborted fetuses in sexual assault cases no matter how disgusted you are with that. If the baby were carried to term, the man would be required to pay hospital and prenatal expenses married or not. He would be forced to pay child support. So how did you draw that line? Page 6, line 1, why does the mother and father have to be married in order for the father to seek civil damages? Why can't the putative father sue or even acknowledged father if they were unmarried? In one part, the bill makes it seem like only criminal action would exempt someone from suing. Here, it's simply moral actions. I have a long list. I'm trying to get through this fast as you can tell. Doctors generally cannot give legal advice. I don't see any guidance for a process in this bill to educate couples on the litigation process of this bill. Will the Attorney General's Office be issuing pamphlets? Does that then create a fiscal note? Typically, it's really hard for people to get free legal help just to ask these types of questions.

**WILLIAMS:** One minute.

**BLOOD:** What is, what is the process if this is so important to you? Why are these kinds of bills in general so much more specific? They

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detail what a doctor can do and what the patient can do and what they can't do. These kinds of bills are far more specific than pieces of legislation I review that pertain to scope of practice. Do you want to be consistent with our state statute? And lastly, if the bill is about protecting life, why does it allow the suctioning of the fetus but not using forceps? So I have additional questions in reference to this bill and I have amendments. But if it's really about the babies, why are we not doing a more effective job of writing good legislation? Because I feel like this was thrown together. Thank you.

**WILLIAMS:** Thank you, Senator Blood. Senator Cavanaugh, you're recognized.

**CAVANAUGH:** Thank you, Mr. President and good afternoon, colleagues. I'd like to start by saying that I have, expressed previously, but I'll express it again publicly on the floor, that I have admiration for Senator Geist for living her faith and values. I know carrying a bill that has significant political divisiveness is not something she does lightly. And I appreciate her passion for children. I do stand in opposition to this bill and I think for a myriad of reasons, restricting women's access to healthcare, constitutionality, legal arguments. But what I'd like to talk about is what I've been talking about. I remain confused as to why so many are willing to stand behind a bill that limits access to healthcare, is unconstitutional, endangers the lives of women in our state. Why are we not focusing on the issues that would improve maternal and infant health outcomes? Expand Medicaid coverage for pregnant women to a year instead of three months. Postpartum depression is a serious medical condition. And without that medical coverage up to a year, many women are made vulnerable and so are their children. For those participating in Medicaid expansion, which everyone please remember, enrollment begins in three days, make sure that we offer the prime benefits to all. As was the intention of the voters. Invest in childcare subsidies to ensure that families can work and care for their children. Expand SNAP so that no mother or child has to go hungry. Paid family and medical leave. I don't understand how we still don't see the value in this. We want women to carry to term, but we don't want to give them the resources or the supports to do that. We don't want to give them the opportunity to thrive. We don't want to give them full access to reproductive healthcare. Preterm births occurs for a variety of reasons, most happen spontaneously, but some have some serious underlying health issues, including diabetes and high blood pressure, preeclampsia. If you have preeclampsia and you don't have paid family medical leave, how are you going to stay home and take care of yourself and, and prepare to have a child? We as a society are

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abandoning women and families. We as a Legislature are abandoning women and families. I appreciate that this is important to Senator Geist. But this doesn't solve anything for children in this state. And this doesn't solve anything for women in this state. It's just another barrier. And it's another barrier that reinforces our systems of racism because women of color have less access to healthcare, have less access to resources, have less access to supports, have less access to paid leave, whether it's family leave or any paid time off are more likely to be hourly employees, make less money. In this country, preterm birth rates have risen over the last several years. And the population that they've risen the least in, I'm sure will shock no one, are white women. Women of color are having-- experiencing preterm birth at a much higher rate than white women.

**WILLIAMS:** One minute.

**CAVANAUGH:** Thank you. I genuinely do not understand why we keep having these conversations and why we are not having real serious, robust conversations about how to improve the lives of women and children in this state. Maternal and infant health should be our focus because it is something that we should all be able to rally around. It's not politically diverse-- divis-- divisive, I don't think. I hope not. I hope, colleagues, that you all support nurturing women and children. I appreciate that this is important to everyone. It's-- as a mother of three, as a woman who has given birth three times, it is really disappointing to me that this is what you are focused on and not lifting up women and children in our state. I just-- I-- at some point, I hope I'm not hollering into the wind.

**WILLIAMS:** Time, Senator.

**CAVANAUGH:** Thank you.

**WILLIAMS:** Thank you, Senator Cavanaugh. Senator Murman, you're recognized.

**MURMAN:** Thank you, Mr. President. Today I stand in-- opposed to the indefinitely postponed motion and in support of LB814. And I am a cosponsor of the bill to end dismemberment abortion in Nebraska. As Senator Geist and Senator Clements and others have mentioned, this bill would only prohibit one form of abortion. We need to protect society from the degrading effects of abortion and disregarding innocent unborn children's lives. And in response to Senator Cavanaugh, I would say a higher percentage of aborted fetuses-- or aborted children are minorities. And that is a big reason that-- just another reason that I'm opposed to abortion. I brought this up last

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time we discussed LB814 on the floor. And I think it's important to say it again. It is important that we take the time to discuss the sanctity of human life. Protecting innocent life should always be our top priority. LB814 dismemberment abortions are performed on living unborn children. I believe that all forms of abortion are horrific and harrow-- harrowing, but dismemberment abortions are particularly appalling and monstrous. Dismemberment abortions are typically performed between 13 and 24 weeks of pregnancy when a baby is too large to remove as a whole. At this stage of development, a baby has a beating heart, fully developed arms and legs, and can swallow, yawn, hiccup, and smile. As early as eight weeks, the baby exhibits reflex movement during invasive procedures. The unborn baby reacts to stimuli with avoidance reactions and stress responses. I read an example of this form-- of this from the LB814 hearing. Kristen New, a former abortion counselor, shared an experience that she had while providing emotional support for a woman. "I was horrified, nauseated, and ready to faint. Seeing my reaction, the doctor excused me from the room. I sat in the hallway, utterly sickened by what I had witnessed. I watched a preborn baby experience pain, attempt to fight for its life, and ultimately lose." I was back in the district this past weekend and I was talking with a medical doctor that was telling, telling me about the latest research on abortion. He said the research shows unborn babies react to pain very early in gestation, but pain suppressors in the nervous system develop more slowly. So there is actually evidence that an unborn baby at 13 to, 13 to 24 weeks actually can feel pain much more intensely than later in development. There are many accounts even by past abortionists regarding the brutal nature of dismemberment abortions. This isn't a light decision for any of the parties involved. Dr. Kathi Aultman shared in the hearing that there is also some concern of taking young medical residents and exposing them to this kind of a procedure and then expecting them to go out and be compassionate in other instances. It hardens us. Dismemberment abortions are grotesque, gruesome, and ultimately inhumane. I stand in support of protecting the unborn and LB814. Thank you.

**WILLIAMS:** Thank you, Senator Murman. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. I stand in opposition to LB814. And I support the postpone motion. Wondering if Senator Geist would be willing to answer a few questions.

**WILLIAMS:** Senator Geist, would you yield?

**GEIST:** Yes, I would.

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**McCOLLISTER:** Senator Geist, members here today have described in graphic detail the so-called D&E procedure. Is that correct?

**GEIST:** Yes, they have.

**McCOLLISTER:** Why would a doctor choose a particular-- this particular procedure if you know?

**GEIST:** You know, I am not a physician, so I do not know.

**McCOLLISTER:** Well, maybe that's the crux of the issue. It's between a doctor and the patient. This particular procedure, as you indicated, is relatively rare. Is that correct?

**GEIST:** It is in Nebraska. But across the country, it is the number one method of second trimester abortions by far.

**McCOLLISTER:** But as you indicated, there are other ways to have a second trimester abortion. Is that correct?

**GEIST:** Yes. Yes, that's correct.

**McCOLLISTER:** If a woman whose life was in danger under your bill, would that doctor be permitted to do such a procedure to save the life of a woman?

**GEIST:** Absolutely.

**McCOLLISTER:** If the woman had a stillborn baby, would the procedure be permitted?

**GEIST:** Absolutely.

**McCOLLISTER:** So in effect, it's, it's up to the doctor to judge whether either of those conditions exist.

**GEIST:** Yes, in this bill, it is lawful for the physician to perform this procedure if the baby has already died. Yes, that is correct.

**McCOLLISTER:** OK. So let's say your bill passes and, you know, while it's in court, because it certainly will be, a doctor decides to use this particular procedure. What review process will occur that will determine whether that doctor goes to jail?

**GEIST:** The first step is the doctor would be taken before a review board, a medical review board, and would have to submit that the reason this procedure was chosen and give his reasoning and it would

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advance from there. If the review board found that it was done in error, that's-- it would then advance to the court.

**McCOLLISTER:** But isn't it truly, in the end, in the doctor's discretion or the doctor's view of the woman's health and whether the baby's stillborn or what condition the baby is in? But it's still in the discretion of the doctor, is it not?

**GEIST:** Correct. And I would say at the discretion of the physician, if he can prove that that is what was best for the mother and the board agrees and there is no issue. I'll also say that, again, if the baby is stillborn and the doctor performs this procedure, there's no, there's no board review, that's fully within the law, even if this, if this passes. So this-- we're only talking about if the baby is living, not if the baby has already deceased.

**McCOLLISTER:** Well, this is a fertile area, so to speak, area for discussion because it's likely to, to be end up in court. And this discussion will be part of that, that analysis, I'm sure.

**GEIST:** Yes.

**McCOLLISTER:** How much time do I have left, Mr. President?

**WILLIAMS:** One and a half minutes.

**GEIST:** I can add one more thing. It's not necessarily a sure thing that this will wind up in court. I mean--

**McCOLLISTER:** OK. Thank you. Thank you,--

**GEIST:** Sure.

**McCOLLISTER:** --Senator Geist. I yield the balance of my time to Senator-- where is she, Hunt. There she is. OK.

**WILLIAMS:** Senator Hunt, you're yielded 1:10.

**HUNT:** Thank you, Mr. President. Thank you, Senator McCollister. Look, the idea that the Supreme Court would rule differently on this method ban than Alabama's identical method ban is magical thinking. I don't question that all of you are true believers. But I question your legal prowess because Alabama had to pay out almost \$2 million in court costs to the ACLU. So I mean, you can say legal words, but Nebraska is not so special and unique that this bill would not meet the same fate here. Senator Hilgers and La Grone, they're spinning legalese to obfuscate and confuse and they're not being honest or accurate about

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the holdings of Roe, Casey, Whole Women's Health or June Medical, which long lines of cases the court has never wavered from. The state cannot put a restriction on abortion that is not medically necessary because it will impose an undue burden. Period. And there is no evidence in the record that this method of care, that this method must be banned to protect women's health. In fact, it's--

**WILLIAMS:** Time, Senator.

**HUNT:** --the contrary. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hunt, Senator McCollister, and Senator Geist. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Mr. President. So I stand to also go into a little bit of what Senator Hunt was just talking about. Both Senator Hillgers and Senator La Grone talked about the Russo case, which is also June Medical Services. So they're talking Russo. Senator Hunt was just talking about June Medical Services. It's the same case. So in that case, Chief Justice Roberts had a long concurring opinion and he talked about the legal, the legal, the legal idea, sorry, of stare decisis and stare decisis is a legal term that means you stand by things decided. The reason that you stand by those things is that they want-- that the courts abide by former precedents and they, they will not allow wavering with every new judge and every, every new idea. So Chief Justice Roberts agreed that, that the June Medical Services v. Russo case put an undue burden on women's constitutional rights to, to determine that they are going to get an abortion. And Chief Justice Roberts went on to talk about adherence to precedents is necessary to avoid arbitrary discretion in the courts. He even said he wouldn't necessarily have agreed with the former opinion and didn't. But now, once that it was decided that they are going to hold firm with stare decisis, with the decisions made about the undue burden placed upon the women trying to make their own healthcare decisions. Again and again, we hear there are-- the cases have upheld the fact that the woman-- that this is a right to privacy issue, that this is an issue decided by the equal protection clause and that again and again, it is not the politicians, but the doctor and the woman who get to decide what is happening to that woman's body and how to go forward. And in medical care, we're often presented with different choices. If you have a heart issue, you can sometimes choose to have a stent put in or you might have to have surgery to have a valve replaced. Whatever it is, that's a decision that you make with your medical provider. The state doesn't come in and say, oh, no stents. We're not allowing stents anymore for whatever reason. These are decisions to be made between the doctor and the medical provider-- the, the, the, doctor

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and the, and the patient. Somebody said in here with our masks that your constitutional right not to wear a mask stops at the tip of my nose. And you can make a similar-- you can give a similar example about my healthcare and reproductive rights. One point somebody earlier in this discussion said that we're not Christians if we believe this way. I, I believe fully that decisions about how and under what circumstances one becomes a parent are sacred and personal. I have three of the most amazing children that I, I could ever even imagine. They are true gifts from God. But that's not what we're talking about. What we're talking about is making a decision about--

**WILLIAMS:** One minute.

**PANSING BROOKS:** --how to run and take care of your own healthcare, not silenced by shame, not decided by a majority of men in legislative bodies. But I am called by faith to walk with women as they make their parenting decisions, whether that is to continue to with a pregnancy or to end a pregnancy or to use birth control or not use birth control. God's love is constant whatever path we take and I resent the fact that people are saying that this is evil. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Pansing Brooks. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President and good afternoon. Glad I got my light on and got to get in. I was listening to the comments that Senator Slama made, also Senator Arch and Lowe. They have described quite sufficient what happens with a dismemberment abortion. So the people that are opposed to LB814 continue to talk about it's a constitutional issue or it's about the money or it's about a woman's choice, but they don't talk about the baby's choice. So what this boils down to is very simple. We're talking about a procedure where they tear the baby apart, a living person in pieces and remove them. So irregardless, whether you talk about it's the money or it's constitutional or not, you don't want to talk about the facts. The facts of this bill is to stop babies being torn apart out of a mother's womb. Live human beings. That's where we're at. But you don't want to get your mind around that. You don't want to have that thought that actually somebody is being torn to pieces. So we talk about the money. We talk about the constitutionality, but we don't talk about the human life that's being destroyed. So there are some of you in this room today that are running for reelection. And your constituents need to know where you're at on this issue. This is not an issue about abortion. This is an issue about dismemberment abortion, because we're not stopping abortions. So if you have a constituent listening and

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you're up for reelection, you need to understand those people that are gonna vote, that if they vote to indefinitely postpone or don't vote for LB814, what they're telling you, they are fine, they are OK, is an accepted procedure to tear a human being apart. That's what they're saying by their vote. So you vote however you want. And so I believe an informed voter is the best one. And I want you to be informed that those people who are against LB814 are OK with tearing a human being apart piece by piece, limb by limb. Think about that. I can't even get my mind around doing that. If we were to do that to a puppy, we'd be in jail. But we can do that to a baby. A human being. It's always baffled me why someone who is against abortion is referred to as pro-life. And if I ask you the question, what is the opposite of up? You would say down. What is the opposite of west? You would say east. But if I ask you what is the opposite of pro-life, you would say pro-choice. The better description is pro-death. That's what it is, but they don't want to say that word because that's negative. So it's a choice. It's a choice for who? It's a choice for the mother. Did the baby have a choice? No, no, no. No one's there to speak for that child. It's pro-death. That's exactly what it is. But that's a negative connotation, you don't want to say that. So those people who vote against LB814, that'll be exactly their position. So you as a voter understand that--

**WILLIAMS:** One minute.

**ERDMAN:** --and that's how you should vote. If you're OK with tearing a baby apart limb by limb, and you may be, then that's your candidate. If you're not, then vote for someone else. Plain and simple. Thank you for your time.

**WILLIAMS:** Thank you, Senator Erdman. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. In my district, pro-life issues are supported about eight or nine to one. And so my district supports LB814, and I oppose the postpone-- indefinitely postpone amendment by Senator Hunt. A couple things that have been talked about during the debate this afternoon I want to comment on. One of them is that the constitutionality of this bill is in question. But I find it ironic that the same people who think that LB814 is unconstitutional believe that we can interfere in the landlord-tenant contract and deprive the landlord of his property without compensation, which would be illegal, be an illegal taking. And it also would be a rescission of contract because they have an agreement and the tenant is not paying their rent. But that's OK because they're, they're trying to support that issue. When they come here, then they flip it around and they worry about the constitutionality of it. I do appreciate Senator La Grone

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and Senator Hilgers for addressing the constitutionality of LB814. And I, I support the bill. The other thing that I-- kind of caught me was the discussion of not caring about mothers and their children. We already spend 35 percent of our budget on HHS and social services, \$1.75 billion already. And in the COVID crisis, there have been federal payments to direct to citizens above and beyond what the state puts in. So it's not like the state's not spending money on that, we are already. But there has to be manageable-- some-- something that the taxpayers can afford to pay and still make their businesses work. And if we strangle the taxpayers, we'll have no money for women and children. So, you know, what number would satisfy some of the people who are looking at only the suffering of mothers and children? Everybody is concerned about the health and welfare of women and children. But, you know, we spend \$1.75 billion on it now. You know, what number would, would make it so that every woman and every child is to the level that they want? I support LB814. I think it's an important bill. I appreciate Senator Geist bringing it. I think it shows a lot of fortitude on her part to want to-- to get all the slings and arrows that she's gonna get throughout this. But I admire her for bringing it and I support her bill.

**WILLIAMS:** Thank you, Senator Moser. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much, President. Oh, man. So good afternoon, colleagues. You know, this is, this is a difficult issue to discuss. That's what I've been hearing on the floor. And, you know, I don't think there's a topic that is more polarizing for what we, we normally do. This is probably the most polarizing topic in the body. And I do want you to know, similar to what many have said, I want you know that I'm listening. I don't agree with all the perspectives that are being shared. And I'll be frank. But I respect that every single one of your elected members of the body and you are trying to bring forward issues that matter to you. You know, it's with that respect that I stand here to share my perspective, and I thought that'd be helpful. And my hope is that hearing me will help you understand kind of where I'm coming from. So I've said this before, I began my career as a teacher. I taught middle school biology in a public school in Brooklyn. And the most fundamental signs of principle that I taught my students was looking at the scientific evidence and data drawing conclusions from it. I talk about it a lot, being data-driven. I get on the mike and I talk about data points. It's actually one of the reasons why I pushed for COVID-19 and wearing a mask. There's just enough data that supports, you know, warranting that. Now, this is a challenging principle for young students to learn to be data-driven. And it becomes harder as you grow older, because you have to constantly

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challenge yourself to look outside of your own beliefs. And that's hard. It's hard for all of us. However, however, right or wrong you think you might be or you are and be open to learning and accepting new facts and evidence in data is what we're talking about here. After I left the classroom and Lauren and I moved to Nebraska so she can attend law school at Creighton, there was an opening on the school board in Omaha. And I was appointed to fill that spot. I served for three years on the school board. And in my last year, we took up an update to the district's curriculum. Now, this update was for all curriculum, math, English, science, but also included an update to the sex education curriculum, human growth and development curriculum. There were many board meetings and the public came and district students came to express their thoughts, concerns, and support, and many with their opposition as well. And their input was important for us because we were making decisions on how to approach the update to the district's sex ed, human growth and development curriculum, but also, most importantly, was the input from their subject matter experts. We had medical professionals, psychologists, teachers who spoke about the importance of medically accurate, age-appropriate curriculum in this area and who brought us facts and data and evidence to support their conclusions that this was indeed the best decision for us to make for the district. It's also in dealing with other districts are doing across the country. So it's that perspective that shapes my views on this. And it compels me to share just a little bit of what I heard from the hearing with the public now. So medically accurate term that we're talking about here is actually dilation and evacuation, D&E. The Judiciary Committee was joined at the hearing by Dr. Jody Steinauer. And I know that there's doctors on both sides of this issue. But hearing from a Nebraska native who is a professor of OB-GYN at University of California in San Francisco. I just want to read a few pieces of her testimony, because these parts that go into the medically accurate information part that I referenced.

**WILLIAMS:** One minute.

**VARGAS:** If this bill becomes law, it would make, and this is the quote, If this bill becomes law, it would make it a crime for doctors like me to use our best medical judgment when treating our patients. It would prevent us from providing patient centered, evidence-based care. It would go against my medical oath to not be able to offer the safest possible method of abortion to my patients in the second trimester. For example, for a recent patient I cared for who came to my office with her husband to consult about ending her pregnancy at 17 weeks because of risk to her own health due to her medical illness and wanting to be there to take care of her other children; or another

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patient I saw on the same day who was only 16 years old and hadn't realized she was pregnant until after the first trimester because she had irregular periods. The people of Nebraska should be able to make decisions about their pregnancies with their doctor not limited to care that is dictated by lawmakers. Colleagues, I share this with you because I probably would be much more inclined to take up this debate if the Nebraska Medical Association and doctors in OB-GYN were bringing this bill in collaboration with Senator Geist.

**WILLIAMS:** Time, Senator.

**VARGAS:** Thank you.

**WILLIAMS:** Thank you, Senator Vargas. Coming up in the queue, Senators Hunt, Howard, Clements, and Morfeld. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. You know, Senator Erdman, we don't really say pro-life anymore. That's not a term that we really use to describe antiabortion people, because that's not an accurate term, given that most antiabortion people are the ones like those in here who are blocking bills that help people who are alive. You're the ones blocking policies that extend kindness and compassion to those who do make the decision, the personal, sometimes difficult decision to end a pregnancy or blocking policies for women who want contraception or for people who face sexual assault. What we say instead of pro-life is antiabortion or we say pro- forced birth because the pro-life label is not really right. Every time I stand up and speak on really like any kind of pro-woman bill, whether that that's like a sexual assault type of bill or a contraception type bill. Before I got elected, when I was doing a lot of work on comprehensive sex education in our schools, certainly on abortion bills, I received death threats. I received rape threats. It's the most normal thing under the sun. We get phone calls to my office that I have my staffers write down saying things like fagots like you should be torn limb from limb. I know where you live and you won't be able to hide. You stupid bitch, I hope one day you'll never utter another word. And all these get reported to who needs to hear it and this and that, and that's it's fine with me because, you know, the kitchen gets kind of hot and it's all fine, but life is a huge value of mine. And you can look at my record and you can see that. That's a Nebraska value. That's who we are here. And I stand with Nebraskans who share these Midwestern values of working hard for what you have, being able to shape your own destiny. Which as a single working mother, includes caring for my family. When hardworking Nebraskans are prevented from having access to safe, affordable healthcare, including preventive care, including abortion, including pre and postnatal care, that hurts the health of our neighbors. And I

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believe in standing up for the health of all of our neighbors. And the choices that our neighbors make for their health is none of our business. That's why government needs to trust individual women to make healthcare decisions in consultation with their families, with their faith, with their healthcare providers. And that's why I see my role as a lawmaker is to get out of their way and trust them and let them make these personal decisions that they are informed about. They're not so stupid that they need our help to figure out what's best for them and their families. They know. Living a safe and healthy life is a basic right, as is the freedom to define our own path. We aren't truly free, colleagues, if we can't make decisions about our own bodies, our own lives, our own futures. And that's whether that's saying no to an unwanted sexual advance, no to an unintended pregnancy, or yes to becoming a parent. Those are all choices that I respect that our neighbors in Nebraska deserve the respect to make. A bill just like this one was introduced in 2016. It was introduced by Senator Garrett. It was LB767. And on LB767, there was a fiscal note of \$10,000 due to additional resources that would be needed for doctors to have the hearings that they're entitled to under the bill. What is confusing to me is that LB814 has the same exact hearing entitlement for doctors. It's the same-- that aspect of the bill is exactly the same. Yet, there's no fiscal note for this bill.

**WILLIAMS:** One minute.

**HUNT:** So there's no reason that these two bills should have different fiscal notes. We need to trust that the fiscal notes on bills are based in reality. We are constantly reminded that we shouldn't bring bills that have big fiscal notes. We were asked this year, of course, not to bring any to the floor during this pandemic and during this public health crisis. This one's here for some reason. It got its own special, little private spot on the schedule because this is everybody's biggest priority for some reason. But there's a strong chance that we will wish that the cost of enacting this bill is \$10,000 because when we look to the cost of litigation in other states, taxpayers in states that have tried to restrict abortion access have paid almost \$10 million in attorney fees for abortion providers. And the arguments that, that Senator Morfeld made, Senator Pansing Brooks have made-- once again, colleagues, Nebraska is not so special that we have like this special proabortion or antiabortion court that's gonna let us get our way on this one.

**WILLIAMS:** Time, Senator.

**HUNT:** We're gonna have a big bill on this.

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**WILLIAMS:** Thank you, Senator Hunt.

**HUNT:** You're welcome. Thank you.

**WILLIAMS:** This was your third time on the mike. I failed to recognize that. Senator Howard, you're recognized.

**HOWARD:** Thank you, Mr. President and good afternoon, colleagues. For colleagues who are still here. A lot of people have left the Chamber, which I absolutely understand. I want to make sure that before I say anything, I appreciate that I believe we're all coming from the same value structure when we talk about every piece of legislation. We all want every Nebraskan to live the best life that they possibly can whether-- and we, and we each choose our own policy avenues to get there, whether that's reducing property taxes or introducing bills around maternal and child health or YRTPs or broadband. We're all trying to get to the same place. We just choose different methods to get there. I-- I'm gonna start with my discomfort about this bill relative to the, the, the challenges for physicians. So there's only one practice group in the state of Nebraska that has an unlimited scope. They have no restrictions on what they can do and where they can do it. And that's physicians in the state of Nebraska. And so what I'm concerned about here is that this really restricts the ability of doctors to practice medicine in the way that they think is best for their patient. I, I don't have the impression that the Nebraska Medical Association has weighed in on this. I think if they had, we would have seen some changes. But what I'm worried about is the American Congress of Obstetricians and Gynecologists, basically the leading professional group for OB-GYNs, says that the D&E method results in the fewest complications for women compared to alternative procedures. And what's concerning about this piece of legislation in particular is that it means that doctors will be forced by ill-advised, unscientifically motivated policy to provide lesser care to patients. And ultimately in Nebraska, we want our patients to have the highest quality of care with the best medical judgment unhindered by policies that don't support the patient. I think the other piece of this that really scares me is that doctors could be sent to jail for performing a procedure that is recommended by their practice group. So if ACOG says this is what's recommended and this is the safest way to, to handle a patient in this position, and then they go against their practice group because of this bill, I think we put doctors in a really awful situation and an even worse situation if we charge them subsequently with a felony. I think it's important to remember that women who are needing this type of procedure, often it's because of a severe fetal anomaly or health complications during her pregnancy. And

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we're cutting off an opportunity for the physician to do what's best for their patient. And that really scares me. The other thing that scares me is that this bill wasn't vetted by the committee. So because we don't have a committee statement, we don't have a committee vote, there were a couple of language issues that I think Senator Geist will need to work on. And I'll just read them out because I don't want to ask her. I don't want to put her on the spot. But on page 1, line 24 and line 25, it says: that if they extract the child one piece at a time. But potentially they would be taking out like more than one piece when they're performing this procedure. So that language is actually not appropriate. And then on page 4, line 22, uses the word "kill." But I don't actually think that's the correct language for the statute, which seems very nit picky. But actually, generally, when committees are allowed to do their work successfully, they produce legislation that has the right wording for the statute to go in place. I also don't know of any other area of law where we're asking the board of medicine to, to make sort of a, a judicial decision before a court. That seems--

**WILLIAMS:** One minute.

**HOWARD:** --highly suspect when we're looking at this process. I, I don't, I don't know of any other instance where the board of medicine, where we put the onus on the board of medicine to make a decision prior to a court being able to initiate a proceeding. And, and mind you, I don't practice law. But to me, I don't know of any other-- with the board of medicine, often when there's an ethical complaint, it goes through the court systems if it needs to. And then the board of medicine can, can make the decision about licensure. But putting the onus here, I, I think is inappropriate. So I think there are some definite language issues, but because this is such a political issue, I somehow doubt they'll be rectified or mended between here and Final Reading for this bill, but I think it's important to note that there's a lot of cause for litigation and that this language is, is less than perfect. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Howard. In the queue, Senator Clements, Morfeld, and Brewer. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I was sad to hear about threats against Senator Hunt or any senator. And I urge any pro-life people watching that you do not send her threats. If you disagree, just disagree. And I am sorry that she's been threatened by people. But I've been kind of known as the numbers guy. So I've been working on some numbers about this issue, just more about the abortion issue in general. When I hear about the shortage of 50,000 workers in Nebraska,

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I think about the children who were never born who could be filling those jobs. So I added up the Nebraska abortion numbers since 1974 to see how many could be here today. That is 150,000--153,000 over 44 years. But the worker need they talk about is mostly age 18 to 34. The babies aborted from 1986 to 2002 would now be age 18 to 34. That number is 73,300. If 70 percent of those who survived stayed in Nebraska to work, there would be 51,300 more 18 to 35-- 18 to 34 year olds. So I believe the worker shortage is hurting our economy. Could have been corrected by not having those babies not be here. And I hope more women will be able to deliver their babies and continue to supply the work force that we need. With that, I'd like to yield my time to Senator Geist.

**WILLIAMS:** Senator Geist, you're yielded 2:57.

**GEIST:** Thank you, Mr. President. I, too, want to echo the concern that Senator Clements voiced about threats against Senator Hunt. If there are people who, and I do believe her, who say they're pro-life, that is certainly not a value that I would share. That's inappropriate behavior no matter where that comes from. And I would certainly strongly denounce that and ask whoever is doing that in the name of being pro-life to stop. I, I wanted to address briefly some of the things that Senator Blood and I spoke about and we did just a couple of days ago speak about her amendments about paternity and her concerns about making sure that, that we're giving, I believe, rights to the father. And within my bill if the man and woman are married, the husband does have rights to-- of protection in this bill. Paternity, though, is difficult to establish after an abortion since the, the baby is no longer available to test. So determining who the father is after an abortion is a difficult standard for-- to establish. And also, I'll say that I've spoken to many attorneys and the interpretation that she has about the sex trafficking and all of that, the, the woman herself is protected. And this prevents a trafficker from--

**WILLIAMS:** One minute.

**GEIST:** --from getting money from the court. So it does protect the woman and it allows her protections and it does not allow the same protection for an illegal perpetrator or an unsubstantiated father. So that is, is clearly in the bill. There is one other thing that hopefully I have time to read, and we're talking a lot about treating everyone the same no matter what your race or ethnicity. And I'll probably have to come back to this. I think I'm gonna run out of time. But it is a, it is a opinion that was just penned in The New York Times. And it has to do with race and abortion. And I'll get to that,

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Mr. Speaker, when I, when I come back on the mike. Thank you very much, Mr. President.

**WILLIAMS:** Thank you, Senator Geist and Senator Clements. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, Mr.-- thank you, Mr. President. Colleagues, I want to respond to one or two things, and I also want to talk about some of the legal analysis as well. So first off, Senator Moser brought up the legislation that I attempted to bring to protect renters and landlords. And I think that goes to my point that I was making just a little bit earlier. I find it interesting that some people, like Senator Moser, call themselves pro-life, but then are OK with families and babies and children being kicked out of their homes during a global pandemic. And I won't go into the constitutionality and some of the different legal arguments in terms of takings and things like that, but also only to point out the fact that my amendment, if Senator Moser actually read it before getting up on the mike and saying that, also included landlords as well. So the protections were extended to both tenants and landlords so that families and babies, the same babies that he is talking about, that will be born have a roof over their head. That's the logical inconsistency that I often see in this body. So I'm glad that he pointed that out. But back to the topic at hand, colleagues. To me, this is about freedom, dignity, the constitution, and this legislative body not playing doctor and interfering with a doctor's expertise. In terms of the legal arguments made by Senator Hilgers and La Grone, they are trying to spin and manipulate the recent decision that, in fact, affirmed the 2016 Hellerstedt case. They're claiming that the standard is different and it is not. These are the same two individuals that on this floor were arguing that the court was gonna overturn the 2016 case and uphold the Louisiana restrictions. When they, in fact, invalidated and affirmed the underlying principle in Hellerstedt. I listened closely to Senator Hilgers and La Grone's legal argument and it made absolutely no sense based on the Supreme Court's ruling. It sounded nice, but it was not accurate. All I heard was rockslide, rockslide legal argument with just a bunch of legal phraseology and platitudes. And it was very well delivered, but it didn't make any sense on the basis of the actual holding. Abortion care, including D&E is safe. And that's why it's supported by all major medical associations, people who are actually doctors, unlike the people in this body. D&E abortion care has had a very low level of risk, and doctors inform women of these risks prior to providing any medical care under the informed consent laws. If women's health were truly at stake, the Nebraska Medical Association would be supporting this measure and they're not. If women's health

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were truly at risk, the American Congress of OB-GYNs would be supporting this measure and they are not. But in fact, numerous Nebraska doctors are opposing it. And you should, too. Any first-year law student can tell you that you look at the most narrow reading of precedent where there is a majority. And in this case, it was the Chief Justice concurring opinion in June that had five concurring in their judgment. The state cannot put a restriction on abortion that is not medically necessary because it would impose an undue burden on the woman's constitutional right. There is no ambiguity in this. LB814 is unconstitutional based on the clear precedent of the Supreme Court. We cannot get around that. There is no evidence in the record that this method of care must be banned to protect women's health. And in fact, it's to the contrary. I'll yield the balance of my time to Senator Hunt if she's so chooses. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Morfeld. In the queue, Senator Brewer, followed by Hilgers and Groene. Senator Brewer, you're recognized. I understand you've yielded your time to Senator Hunt.

**BREWER:** No, I didn't.

**WILLIAMS:** I'm sorry. Senator Morfeld yielded the balance of his time. Senator Hunt, you have one and a half minutes.

**HUNT:** Thank you, Senator Morfeld. Everybody, I don't want your sympathy and I don't accept it. That's not why I brought all that stuff up. You guys know that goes on and you can denounce it. But you also have to understand that the culture of discrimination and misogyny that this supports is what feeds into that kind of behavior. And you know that. So that's that on that. And it's not gonna end either, and I don't want any more sympathy about it. If someone tests positive for COVID in the next couple days here, which isn't likely to happen because none of us are getting tested, Nebraskans, there will be probably a motion to adjourn sine die. So why are we expending time on bills like this that do not need to be taken up? Instead, we need to focus on Select File, Final Reading, the budget. This argument appeals to process like we are all just truly wasting our time here. I'd like to make a motion to adjourn. Our day is done. We're all wasting our time here at this point. We're all just listening to ourselves. Because when we normalize religious morality as science, as good policy, we get into situations like this that we have now in the Legislature where lawmakers like me, like us have to keep fighting losing battles to keep ridiculous notions which have zero scientific evidence or consensus out of statute. That abortion reversal bill comes to mind. Right. There are real issues that pregnant women face,

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declining birth rates, poor outcomes for black women who face rates of maternal death three times higher than white women.

**WILLIAMS:** Time, Senator.

**HUNT:** Thank you.

**WILLIAMS:** Thank you, Senator Hunt. Senator Brewer, you're recognized.

**BREWER:** Thank you, Mr. President. There is probably no topic that I would rather not come to the mike and speak on because I don't feel qualified to really say a lot except to share what's in my heart. And then you guys decide whether it all fits. I, I will stand in support of LB814. But the question is why? And I think that's what I need to share with you today. In the native language, there is no word for abortion, probably for obvious reasons. The loss of a baby was always considered a terrible thing within a tribe or village. But if I go back and I go to the district, and I do-- I mean, Erdman and I maybe fight for who has the most conservative district, but I'm sure that mine is, is right there. So when I asked for a head count on, on how people were gonna weigh in on LB814, I came out with 68 of my 37,900 that responded or that knew to respond and one who said that, they, they were opposed to it. So if I'm gonna represent my district, that's kind of the numbers. But I think we also need at some point take a deep breath and say, you know what, what is this all about? Yeah, to a degree, I, I agree with Senator Hunt. We're, we're going back and forth on a lot of issues. We're not gonna solve property tax. There is a part of this body who's dead set on taking your money and giving it to someone else. And there's part of this body that wants to try and let you keep as much as they can. And they're diametrically opposed and they're not gonna give and are not gonna get anything out of it. And more than likely, LB720 will die and we'll get no proper-- or any economic development. And whether it's politically correct or not, you have pro-life and you have those that are proabortion. And that's the reality of our situation here. But just for a second, let me share this with you, because I said this before and I'm still struggling with it. The first life that I took was on 12 December 2003 at about 2:14 in the morning. And the last life I took was on December 19, 2011 at 9:45 in the evening. Every life I took is a ghost that will haunt you the rest of your life. So I struggle with the idea because this was the enemy of our country who was trying to kill me and I still struggle with it. And now you're gonna take a baby's life who's done nothing. He just was in the wrong place at the wrong time in the wrong situation, and then somehow justify that to the world. I struggle with it. In the next few days I'll have my first grandchild, and so all this just doesn't make sense to me, and I struggle with it. So

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understand, I don't feel comfortable with the topic, but I support LB814 and I'd like to give any time I have left to Senator Hilgers.

**WILLIAMS:** Senator Hilgers, you're yielded 1:48.

**HILGERS:** Thank you, Mr. President. Thank you, Senator Brewer. I want to respond to a couple of the comments on the constitutionality of this. And after I got done speaking, I, I assumed that some folks would get up and argue against some of the points that I made. The idea of grappling or, or arguing over legal points is one that I'm used to and enjoy. And so I got my notepad and I sat down, and I was waiting for the argue-- the legal arguments, and I wrote down what I heard. And here were the essentially the legal arguments of what I heard. That what I said was spin, it was obfuscation, it made no sense or didn't make any sense. Those are, those are the arguments I heard and I got to tell you, if you're, if you're a first-year law student and you're watching this at home, and I'll tell you, if you are using those arguments, and that's all you got--

**WILLIAMS:** One minute.

**HILGERS:** Thank you, Mr. President. I think I'm next in the queue. Can I continue after that? If that's all you got in an argument, you really, you really don't have anything. I didn't hear one argument for the constitution-- unconstitutionality of this bill. Not one. What I heard was a bunch of empty words that were not tied to anything I said. Now I'm gonna walk through this and then I will welcome anyone to argue based on the merits. That happens all the time. And I'm willing to listen and have my mind changed. But I'm gonna walk through this analysis and I'll challenge Senator Morfeld, Senator Pansing Brooks, Senator Hunt, anyone who opposes this bill to, to show me where I'm wrong. So the first question we have to ask is, what are we looking for, is this a constitutional or not? And the way this works is we don't have to certify something as constitutional. What we do is generally presumed to be constitutional. We don't have to necessarily prove a negative. The question then is, well, is it unconstitutional? And I would ask the opponents first, Is there a constitutional provision that explicitly prohibits this bill? And the answer that is, of course, no. There is no provision in our constitution, state or federal, that says something like this is unconstitutional. Well, then the next question you would ask is, well, is it unconstitutional based on a case? Now that could be, but it depends on the case. The idea that the state cannot prohibit some methods of abortion is obviously true. The state of Nebraska has already banned abortions after 20 weeks. The federal government has banned partial birth abortions. Whatever the Supreme Court's jurisprudence is on abortion, it is, it

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is necessarily true that the state can prohibit some. So you can't just point to a case and say, well, all abortions are prohibited. So the next question I would ask is, is there a case from the Supreme Court that deals with the dismemberment abortion? And here, I think there is some obfuscation, intentional or unintentional. I'm not attributing any bad motives as to what the Russo case, the June Medical case said or what the Whole Women's Health case said, because in the law, pulling out a sentence or two from what the court does is not-- that's called dicta. That's called-- that's just extra wording. What you're looking at is the holding and the holding of those cases had nothing to do with D&E procedures. They had everything to do with admitting privileges and certain requirements on abortion clinics. Now Whole Women's Health, the reason we talk about that is it had a change-- purported it would potentially change the standard in a way that I'll talk about a second with these other cases that they relied on. Now what is absolutely true in the, in the Russo case, the June Medical case is that five justices said no, we're gonna go back to the Casey standard. Now I'll ask-- I'm not gonna put Senator Morfeld on the spot. I'm not gonna put someone else on the spot. But I may come back. I'll give, I'll give them a heads up. Point to me, page and line of those decisions that dealt with this dismemberment abortion. We'll give you all day. It's not in there. Those cases don't prohibit this. So if there's not a U.S. Supreme Court case that prohibits this, what's the next thing we look at? Well, the Eighth Circuit. There's 13 federal circuit courts in the United States, 11 numbers, the Federal Circuit and the D.C. Circuit. We're in the Eighth Circuit. There's no Eighth Circuit case that I'm aware of that prohibits this. Now opponents will then point to the cases in the other jurisdictions. The only evidence that we've got in front of us that suggests this might be unconstitutional. And in those cases, two critical points must be made. The first critical point is that each of those cases fell between that 2016 and 2020 zone of time in which Whole Women's Health may have changed the standard. Each one of them. And as I've explained a couple times on the mike, five justices have rejected that standard and gone to the Casey world of a substantial burden. So on the first point, none of them, none of them are based on the standard that we're dealing with today. The second point is that each one of them had different factual circumstances and a bill could look the same in Nebraska and the same in Kansas and the same in Ohio and be unconstitutional in one state and not here. It's not because of some magical court that we have, it's because courts look to the facts. And the record, at least before us, is that the states-- those decisions in the other states had a much different, different reliance on this procedure. In Alabama, the court found, when it invalidated that statute, 99 percent of the abortions after 15 weeks were through this

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procedure, 99 percent. So if you ban what is used for 99 percent of the abortions, you effectively ban abortion. Here in Nebraska, it's 6 percent. It's not because we have different courts, we have different facts. Indiana, the court noted that not over 95 percent of the procedures were D&E. Here in Nebraska,--

**WILLIAMS:** One minute.

**HILGERS:** Thank you, Mr. President. As I noted before, fewer than 20 percent in second trimester abortions use this procedure. So I am all for having a conversation on the law. I'm all for having a conversation on the record and anyone, from Senator Morfeld, Senator Pansing Brooks, Senator Hunt, anyone, anyone who's a proponent of this bill wants to unpack that and argue it. There-- there's-- this is a, this is a decades-long body of case law and it's complicated. And a lot of-- there have been a lot of opinions and a lot of cases. I'm happy to have that conversation. I enjoy that type of a conversation. It's what we ought to have on the record here today. But I'll tell you what I put forward are facts and reliance on holdings of actual legal cases. They are not obfuscation and they are not spin, and I would challenge any opponent to have a conversation of the holdings of those cases here on the floor today. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hilgers. In the queue, Senators Groene, Arch, and La Grone. Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. I will start off the way I start off every time on this issue. When I meet a pregnant woman, it is ingrained in me that I am meeting two people. When I ask about their health, sometimes they reply they have complications. My first thoughts go to the health of the mother and the baby. We are dealing with two people's health here. I am concerned for both their health. To many of us, pregnancy is not a health issue of the mother. It is a miracle in progress involving two humans, a mother and a child. Senator Hunt mentioned that abortion is not a major issue of Nebraskans. In my district, as Senator Moser said, it is. To many of my constituents this is their only issue. If you ask them if you could save a baby's life, would they pay more taxes? Would they go to jail? Would they forfeit their own life? The answer would be yes. To many of them, they would answer. The real question is, why does our society make us even contemplate that choice? I just read a story about studies done about when are we cognizant? When do we have our earliest memories? The scientists will tell you two, maybe three to three and a half years. But there's a large portion of that study group that will tell them nine months, six months. But the scientists dismiss it. So if science is the, is the threshold, creates the threshold or the

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doctor does, why don't we allow a mother to destroy a child up to two years of age? They're not cognizant. They have no memories. Why? Who arbitrarily said conception is not life? That it's three months, that it's six months, that it's nine months or it's the moment, moment they are born. Who did that, the courts? Really, the courts? I appreciate the lawyers in this body. I really do, because this is important. It guides our society without a civil war. But in 1860, there were Democrats, Democrats who stood up in the Congress in the Senate of the United States and said-- our constitution and our courts have said a black person is not a human. Court case, this court case, up to the 1950s and '60s. Scott Dred [sic] decision, the Brown v. Board of Education. Democrat senators stood up and said, and lawyers and said, no, our constitution, the, the legal record says these folks don't have rights. Today, we hear them say unborn have no rights. That can be changed. That can be changed by court cases when this society finally wakes up and says this is wrong. Just like they did when the Democrats supported slavery in 1860s, all the way up to the 1950s and 60s. Until the court changed, the constitution, the courts is us. I applaud Senator Geist for continuing this mission. Senator Albrecht does it. I'm a man who knows when I meet a woman on the street, I meet two people. When I see a baby in a, in a stroller, he smiles, she smiles. She has memories. She exists. And she existed a month earlier in the womb. I don't know how we get so selfish in this society that it's about us and only us. There's two people, a mother and child, when there's a pregnancy. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Groene. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. President. I would like to continue my discussion regarding the question of does the baby experience pain? When I was first on the mike, I talked about the development, the physiological development of the nervous system, as well as the thalamus and subcortical plate. And I just want to mention one other, one other quote here. And this is a quote, In humans, painful stimuli can arrive to the brain at 20 to 22 weeks of gestation, 18 to 20 weeks postfertilization. The neural connections between peripheral receptors, the thalamus, and the cortical subplate, the basis for pain perception, a period about 20 to 22 weeks from conception. Physiologically, the scientists say yes. The scientists say yes, the baby is physiologically capable of experiencing pain. Second, second point, and that is, and that is, again, observing, observation. How does the baby respond? How does the baby react to painful stimuli? This is, this is generally observed as a result of in, in the uterus surgery. So there are times when there is, there is discovered an abnormality that can be, that can be corrected with surgery. It's done

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in the womb. And how does a, how does a, how does a baby react at that? The first reaction, quote, The earliest reactions to painful stimuli motor reflexes can be detected at seven and a half weeks of gestation, 5.5 weeks postfertilization. Another quote, as early as eight weeks gestation, six weeks postfertilization, the fetus exhibits reflex movement during invasive procedures via spinal reflex pathway. Another response the baby gives, hormonal stress response. Quote, A significant body of evidence has grown to suggest the importance of mitigating the fetal stress response to enhance fetal outcome and possibly limit preterm labor. It's clear that the fetus is capable of mounting a physicochemical stress response to noxious stimuli as early as 18 weeks gestation. Another quote, Fetuses have been observed to exhibit hormonal stress responses to painful stimuli from as early as 16 weeks of gestation, 14 weeks postfertilization. Again, a response to pain. Another point in the response, premature babies, premature babies. Quote, Premature infants delivered as early as 23 weeks show clear pain-related behaviors. Another quote, Of note, the earlier infants are delivered, the stronger their response to pain. So why do babies at 20 weeks postfertilization feel more pain than adults? Quote, Between 20 and 30 weeks postfertilization, an unborn child has more pain receptors per square inch of skin than at any other time in his or her life with only a very thin layer of skin for protection leaving nerve fibers closer to the surface. Another quote, Mechanisms that inhibit or moderate the experience of pain do not begin to develop until 32 to 34 weeks postfertilization. Any pain the unborn child experiences before these pain inhibitors are in place is likely more intense than the pain in older infant or adult experiences when subjected to similar types of injuries. After the observation of the response of the baby to pain, I move on to another point, and that's the use of anesthesia for fetal surgery currently used in medical practice. Interesting. When the, when the baby is considered a patient and they're doing in the womb surgery, they are now recommending that fetal anesthesia be used. Quote, Despite ongoing debate regarding fetal capacity for pain perception, fetal anesthesia and analgesia are warranted for fetal surgical procedures. Another quote, It has also been shown that fetuses feel pain from week 18. This has given rise to the practice of using fetal anesthesia for surgery or invasive diagnostic procedures in utero. And pain relievers are often used. As early as 18 weeks, this is a quote, stress hormones are released by the unborn child injected by a needle just as they are released when adults feel pain. Hormone levels in those babies decrease as pain relievers are supplied.

**WILLIAMS:** One minute.

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**ARCH:** Last thing I want to mention is the prevention and management of pain in premature children. Interesting. In 2016, February 2016, the American Academy of Pediatrics published a policy statement. Here's one of the recommendations. Quote, Preventing or minimizing pain in neonate should be the goal of pediatricians and other healthcare professionals who care for babies. So a premature baby, the prevention and the maintenance and the, and the management of pain is extremely important. But in, in the womb, does a baby feel pain? I believe so. This is-- I strongly support LB814. The baby from evidence of this literature review that I've looked at, the scientists agree the baby does feel pain. It is time that this LB814 get passed. Thank you.

**WILLIAMS:** Thank you, Senator Arch. In the queue, Senators La Grone, Wayne, and Blood. Senator La Grone, you're recognized.

**La GRONE:** Thank you, Mr. President. I'm not gonna rehash the points that Senator Hilgers made. I think he did a great job of laying those out. But I'm just gonna speak to this question of what Chief Justice Roberts said about the standard, the rules that apply in cases like this. So to do that clearly, I'm just gonna read from exactly what he wrote. And this is what Chief Justice Roberts said. And just to explain where I'm starting, everyone who has spoken on this issue has agreed, agreed that the Casey case is the starting point for determining the standard that applies here. So this is what Chief Justice Roberts wrote. Under Casey, the state may not impose an undue burden on a woman's ability to obtain an abortion. A finding of an undue burden is shorthand for the conclusion that the state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. Laws that do not impose a substantial obstacle to abortion, to abortion access are permissible so long as they are reasonably related to a legitimate state interest. After faithfully reciting this standard, the court in Whole Health-- in Whole Women's Health added the following observation. The rule announced in Casey requires that courts consider the burden-- burdens the law imposes on abortion access together with the benefits that the law confers. The plurality repeats today that the undue burden standard requires courts to weigh the laws asserted benefits against the burdens it imposes on abortion access. Read in isolation from Casey, such an inquiry would invite a grand balancing test in which unweighted fact-- factors are mysteriously weighted. Under such tests, equality of treatment is impossible to achieve, predictability is destroyed, judicial arbitrariness is facilitated, judicial courage is impaired. In this context, courts applying a balancing test would be asked, in essence, to weigh whether a state's interest in protecting the potential-- potentiality of human life and

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the health of the woman on one hand against a woman's liberty interest and defining her own concepts of existence and meaning of the universe in mystery-- and in the mystery of human life on the other. There is no plausible sense in which anyone, let alone this court, could objectively assign weight to such imponderable values and no meaningful way to compare them if they were. And what's the conclusion that that led Chief Justice Roberts to? It's this, So long as the showing is made-- and he's speaking about the undue burden showing, the only question for a court is whether the effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. Colleagues, that makes very clear the standard Senator Hilgers was talking about is the correct standard in this case. Five members of the court rejected the Whole Woman's Health standard and we are left with the undue burden analysis that Senator Hilgers ably laid out. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator La Grone. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. This is a serious and interesting topic. And I'm gonna get a little personal because not everybody knows, but people know that I'm adopted. But what I often leave out of the story is my mother is from Kansas and she happened to obviously date a African American and was ran out of Kansas in 1979. Where she stayed on 24th and Pratt at the Salvation Army for the last six months to have me. Why is that important? Because obviously I had no choice. But she did. So this is a very personal topic to me. My problem with this bill is that it creates discrimination within the bill. And I could ask Senator Hilgers on the mike about our conversation, but I know he didn't look at it from that aspect and he can address that on his time, but nobody really paid attention to it. And Senator Blood's comments, I think, weren't really listened to. But from my perspective while this bill would essentially make sure that I have a right to be born in the situation that I was born in. It also at the same time tells my father he has no rights. That only married men in a marriage has the ability to sue. So while I understand and support the idea of trying to limit abortion in some capacity, I can't do so without thinking about both of my parents. There was a recent article where Paul Hammel referred to me as a black legislator. I fundamentally have a problem with that. Although society sees me as black, I've always said I'm biracial. And actually, I got into politics because in eighth grade, I posed a question to my government teacher, Mr. Morrison [PHONETIC], of why do I only have to check one box, either black or white? I actually wrote at then my time, my senators from this District 13, Dan Lynch and U.S. Senator Bob Kerrey, because Dan Lynch

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told me it was a federal issue, which I wish I could do. And so I wrote Bob Kerrey and he explained to me Directive 15 and how they categorize everybody off a census. Now I won't take credit that I'm the one who started the change to where now you can check, check multiple races. Happened after my letter, I just want to note that. But what that taught me was each bill we pass, each thing government does has effects on little old me about whether I can check one box or the other and deny one of my parents. And so I look at this bill through this lens, Senator Geist, and we've had many conversations and Senator Geist knew this story because I'm open about my beliefs and how I got here. I think it's important to stay grounded in how you got here, but the way this bill is currently written, my birth mother and father were boyfriend and girlfriend. So while you are establishing rights for me, you are denying my father rights and I can't support that in any way. So that's why I'll be voting no or yes on indefinitely postpone and no on the underlying bill, because I think there's some tweaks in the bill that needs to be corrected in how this process works is there's an amendment. I think Senator Blood has one--

**SCHEER:** One minute.

**WAYNE:** --that's so far down the road, we won't get there to correct it. So there's no way for me to support that. But I thought it was important for the record and for the people who know me and know where I stand on this issue. That's why I'm voting yes for indefinitely postpone. And no on underlying bill is I can't discriminate against my own father just to make sure that I have a right to be here. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Wayne. Those waiting in the queue, Senator Blood, Gragert, Cavanaugh, Albrecht, and others. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. Speaker. Fellow senators, friends all. I'm gonna talk slower this time because I got on record what I wanted to get on record. And I want to thank Senator Wayne for helping to clarify some of the things that I did bring up. You know, I, I find it really offensive when a senator stands up and says that we're talking about constitutional issues and woman's choice and some of us are talking about the fact that this is a horrible practice, but a bad bill the way it's written. And I've been watching the, the, the board and I haven't seen any amendments come from Senator Geist or anybody else on this floor to make this a better bill. I don't like being forced into making bad decisions because of the things that I ultimately believe. I got to be honest, right during my lunch and reasons I stay in my office, as I usually say the rosary at lunch every day. Hail Mary full

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of grace. The Lord is with thee. Blessed art thou among women, and blessed is the fruit of thy womb. Right? But that's not what this is about. What this is about is good policy, good policy that's supposed to protect the unborn. Now, Senator Geist claims the woman is protected from criminality because she's a sex trafficking victim. Well, she's mixing up legislation. What we did and we've done that since I've been here in the last four years is we made sure that if the woman is arrested as for prostitution that we understand and identify that she is a victim. So this isn't how the law works. It doesn't protect her in this bill. And then once again, she mentioned that only married fathers have rights, unmarried fathers don't. So with all due respect, whether you're married or not married, it's your irresponsible ejaculation that caused this pregnancy. So why does one father over another father have more rights? That's wrong. She assumes that the man doing the trafficking of the victim is the father of the child. How probable is that? And then saying that you cannot get DNA. Well, it's funny, they can do it for sexual assault. They can get DNA at the time that the fetus is aborted, but they can't find a way to do it for this bill. Why can't we find out who the father is and allow him to have the same rights as any other father? Again, I just-- I see all of these things that are just poorly written. And then when Senator Erdman talked about the horrible people that believe in murdering babies, you know, there is a lot of women that work in these meatpacking plants that are of childbearing age. And, yeah, abortion is horrible. But you know what else is horrible? Dying from COVID. Your lungs fill up with water. You basically drown yourself to death. Your heart stops functioning and explodes. You get blood clots. They go to your brain. They go to your heart. They go to your legs. Everything in your body can ultimately break down. It's a horrible, terrible way to die. But apparently, if you're a baby, which, of course, we don't want babies to die in a horrible fashion, that's one thing. But if you're an adult who chooses to work and provide for your family, you've made that choice and we consider you an essential worker. So your life is not as valuable, which we showed in that last vote we did right before we left for lunch. So I just-- I take issue with these accusations and the things that I'm not hearing on the mike and I'm being totally ignored and that's really unfortunate, is why don't we fix page 2, line 22? Why don't we fix Section 4, page 5? Why don't we fix page 6, line 1? Why don't we fix page 6, line 15? Section 11, page 5, line 25? If this is so important, isn't it important to do it right?

**SCHEER:** One minute.

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**BLOOD:** I'm, I'm disappointed that we're not truly having a debate. It's the same old thing over and over again. We're gonna guilt you into saying how horrible abortion is, which, of course, it is. We're gonna make you feel bad if you oppose us. But we don't really have to mess about with anything that we're actually here for, which is creating good policy. And quite frankly, I resent that. I resent that as a woman. I resent that as a Catholic. I resent that as a legislator that represents everybody in the state of Nebraska. We need to do good policy today. And this bill is not good policy. Thank you, Mr. Speaker.

**SCHEER:** Thank you, Senator Blood. Senator Gragert, you're recognized.

**GRAGERT:** Thank you, Mr. President. I stand in full support of LB814 and oppose Senator Hunt's postpone motion. I-- as many have come to know me, I've-- I'm an individual that is always willing to listen to both sides. I sit here quite a long time listening to both sides. And, and I feel I have on this one. And now I'm-- I am ready to vote any time. And after saying that, I yield the rest my time to Senator Geist. Thank you.

**SCHEER:** Senator Geist, 4:20.

**GEIST:** Thank you, Mr. Speaker. I'm a little confused about where to go here, but, but what I will do is talk about the intent of this bill. And the intent of this bill is to protect a woman who has been wronged. And we've, we've gone off the rails here a little bit and talking about all the other peripheral people when the intent of bringing this bill, bill forward and having protection for the woman. We even went as far as we possibly could constitutionally to make sure this woman has the right of anonymity. That if she has been wronged, she can collect damages. This is a pro- woman bill. This is not trying to discriminate against a family, against a known boyfriend, against a proven boyfriend. This is talking about not allowing peripheral people to collect damages in a wrongful suit. So that's the focus of this bill. I think too often we're going off on peripheral issues to not focus on what the bill is about. It's about a procedure that if not done can be substituted for an alternative, more humane procedure. And if a woman is wronged in this way, should this bill be passed, then she can go before the court and receive protection of her anonymity and damages for what has happened to her. That's the long and the short of it. It's very simple. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Gragert and Senator Geist. Excuse me. Senator Cavanaugh, you're recognized.

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**CAVANAUGH:** Thank you, Mr. Speaker. I commit to bring black and brown voices in every conversation surrounding public policy, not just one public policy specific to people of color. I commit to be a partner in the work ahead and not a leader. I commit to take real concrete actions, action on concerns and issues for people of color. As I mentioned last week, I believe it was. Sorry, I've lost track of time. I represent this body in our state at the National Council of State Legislators as the early learning fellow and the maternal and child health fellow. Children in this state deserve our attention and care. Nebraskans are facing unprecedented challenges. In times like these, we look to our leaders to stand up and work even harder for the voiceless. And just like this global pandemic that we all are facing, reproductive health is a socioeconomic and racial justice issue. We have bills that we could use to address so many of these issues, to address what Senator Murman said about the fact that there are more women of color that are making these choices than any other population. And that is because of systems of racism and social injustice and inequality, not because of what this bill may or may not do. If we want to address systems of racism, if we want to address social inequality, if we want to address the difficult choices that women and families are faced with every single day, I have some suggestions for you. LB311, Senator Sue Crawford's paid family and medical leave bill. Senator Crawford, this is her last session. She's not sitting here right now, but I think she's off on the side. Senator Crawford worked on this for her entirety serving in this body. She worked with everyone and she brought this bill and it made it to the floor. And this, this piece of legislation, along with Senator Crawford's other bill, LB306, the safe and sick leave. If this pandemic has shown us nothing else, it has shown us the significant importance of those two pieces of legislation to ensure the care of our citizens. Did you know that you can't put a baby in childcare in Nebraska that's under six weeks of age? Did you also know that you might have to go back to work within days of giving birth? What do you do? If you work for Tyson Foods and you give birth and you can't afford to have time off for that child and you also can't afford childcare, but you couldn't put your child in childcare even if you could afford it because your child is a newborn, therefore can't go to childcare. You can't bring your child to the floor of the meatpacking plant. But that's not a conversation that we're gonna have here. Of course not, why would we do that? That would just make sense. That would be us as a Legislature identifying a problem and working towards a solution. LB1039, a bill I introduced. A bill that I admit needs some work, but it's got good legs.

**SCHEER:** One minute.

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**CAVANAUGH:** Thank you. It is adopt the Hunger-Free Schools Act. Another thing this pandemic has brought to light for all of us is the need to ensure that children are fed every single day and children get fed at school. LB901, now this one should be in everyone's wheelhouse, appropriate funds for the Nebraska Perinatal Quality Improvement Collaborative. This improves outcomes for babies in Nebraska. It improves the vitality statistics for babies in Nebraska. Let's talk about these things. Let's start having real conversations about how we can support women and children and babies. Thank you.

**SCHEER:** Thank you, Senator Cavanaugh. Waiting in the queue, Senator Albrecht, Wishart, McCollister, and Pansing Brooks. Senator Albrecht, you're recognized.

**ALBRECHT:** President, I'd like to call the question.

**SCHEER:** Senator, I still have about 12 people in the queue, so I would say that's out of order.

**ALBRECHT:** OK, I'll proceed. Thank you. I rise in support of LB814. I appreciate Senator Geist taking this on. I know that there's no pro-life issue that comes--

\_\_\_\_\_ : Point of order.

**ALBRECHT:** What?

\_\_\_\_\_ : Can't call the question and then talk.

**ALBRECHT:** He already gave a ruling.

**SCHEER:** Thank you, Senator. Senator Albrecht, you called the question. It was denied, and so you'll need to "requeue" yourself.

**ALBRECHT:** Thank you.

**SCHEER:** Thank you, Senators, for drawing it to my attention. Senator Wishart, you're recognized.

**WISHART:** Thank you, Mr. President. I'll yield my time to Senator Blood.

**SCHEER:** Senator Blood, 4:55.

**BLOOD:** Thank you, Mr. Speaker. Thank you, Senator Wishart. Again friends, it makes me so sad that since I was in fourth grade and I, I at that time when I came for my tour, I knew I wanted to be a state

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senator. And now I'm here on the floor as a state senator and I'm looking around and I see quite a few disinterested parties. I see a lot of people gone. And I wonder what's happened to debate as we knew it? Are we debating or are we pontificating from scripts that people have handed us? You can come and look at my notes, my notes are my notes. Nobody handed them to me. I don't have a packet that I'm reading from. I'm not giving you a sob story. I want better legislation. Senator Geist and I have a perfectly fine relationship. There's many of my bills she's voted against. I don't hold it against her. I've supported most of her bills. When I don't she doesn't hold it against me. I've been very open from day one about the flaws in this bill. It is wrong to create unintended consequences for others because you so strongly believe in a particular topic. I respect that you do not support abortion. That is not what I am talking about. I am talking about fixing a bill and I'm talking about you trying to shove it down our throats when it's broken. I'm sorry, but you cannot stand up here and say it's not my place to judge and, you know, we have a personal responsibility to protect these women and children. We indeed do. But then I look at your voting records and they say differently. You know, let's let people tighten their belts and let people pull themselves up by their bootstraps. But, hey, you know, if you tighten it tight enough, they're not gonna die. And if you don't have bootstraps to pull up, what are you gonna do? And I see people suffering all around me right now because of the pandemic. And it is sad. And quite frankly, you're probably gonna see an increase in people trying to get abortions because they're starting to feel desperate. Again, unintentional consequence when we don't help people, right? But that's not what I'm talking about right now. If a woman gets pregnant through criminal conduct, she cannot get injunctive relief. So if a woman is a victim of sex trafficking, we're gonna victimize her a second time. I can't live with that. They don't have autonomy over their own lives. This is wrong. And I don't understand why you're so specific on a process. And you say that this bill is about protecting life, but it allows for the suctioning of the fetus, but not using forceps. So there's contradictions and that doesn't make sense to me. We can't have a doctor give legal advice. You're not telling me how this process is gonna work. How you gonna educate couples on the litigation process of this bill? Is the Attorney General gonna be stepping in offering pamphlets? And if so, I want to see the fiscal note. And it is hard for people, no matter what you see in movies, to get free legal help. I mean, unless you're on the floor of the State Legislature and then we get way too much. And you know, the assumption that the sex trafficker is the father just turns my stomach.

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**SCHEER:** One minute.

**BLOOD:** You've got to fix these sections that are wrong because you are discriminating against Nebraskans and you can't just say but the babies. Yeah, abortion is horrible. It's a horrible, horrible thing. And it's horrible that the mothers have to be put in that decision, too, forced to make that decision. But you know what? All you're doing is taking a really bad situation and making it worse by adding others into it and discriminate against their rights as well. So you guys have to figure out why you're here, because it's not just to stand here and make speeches about the unborn. It's also to protect all Nebraskans. Thank you, Mr. Speaker.

**SCHEER:** Thank you, Senator Wishart and Senator Blood. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President, colleagues. Would Senator Geist yield to a question?

**SCHEER:** Senator Geist, would you please yield?

**GEIST:** Yes, I would.

**McCOLLISTER:** Is it true, Senator Geist, that the severability clause is inside this bill?

**GEIST:** Explain.

**McCOLLISTER:** Well, it's a clause that you can insert into a bill that if one part of the bill is found to be unconstitutional in some way, that the rest of the bill still remains.

**GEIST:** I do not know if that is in this bill.

**McCOLLISTER:** Well, I, I stipulate that there is. So the folks that drafted this bill or at least the sponsors figured that there are-- there were some constitutional issues that were involved. So I just, I just make that point. I also claim that this bill is unworkable. Why do I say that? Who ultimately decides whether a D&E operation is justified with a particular woman? OK, we're not gonna blame a woman patient if a D&E operation occurs. That's in the bill. But we put the onus on the doctor delivering the baby-- or the, the doctor conducting the abortion. What metric is that doctor suppose to use? The mother's health, if the mother's health is failing? The sponsor of the bill already indicated that the D&E procedure could be used if the baby is born-- is dead in some way. Yes, you can do-- conduct the D&E

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operation on that basis. The fact is, we're inserting the state between the doctor and the woman patient. And that's what I believe is wrong. And that's the basis of my issue with this bill. It's the essential question. And I do believe this bill is unworkable and unconstitutional. I yield, yield the balance of my time to Senator Hunt.

**SCHEER:** Senator Hunt, 2:40.

**HUNT:** Thank you, Mr. President. Thank you, Senator McCollister. Senator Hilgers said that in Nebraska, only a small percentage of abortions would be limited so it's not an undue burden. But the court has already addressed this issue in Planned Parenthood v. Casey. The-- it said the analysis does not end with the 1 percent of women upon whom the statute operates. It begins there. Just because it's a small amount of people doesn't mean that we take away their constitutional rights. It reads, legislation is measured for consistency with the constitution by its impact on those whose conduct it affects. For example, we would not say that a law which requires a newspaper to print a candidate's reply to an unfavorable editorial is valid on its face because most newspapers would accept that policy absent the law. The proper focus of constitutional inquiry is the group for whom the law is a restriction, not the group for whom the law is irrelevant. Hilgers and La Grone. Senator Hilgers and Senator La Grone just basically said that Casey applies to this. The burden is measured on the women who are denied a medical procedure, not those who don't even seek it. That's why I, I introduced an amendment to this bill, AM3211, today because state abortion restrictions are one of the most litigated area of civil rights law. And anybody who studies constitutional law will tell you that. And if they're telling you that this won't be challenged, that we're special, that somehow our law is better than all the other laws and all the other states that got overturned at great expense to taxpayers, they're not being honest with you. Challenges to laws regarding women's health are regularly filed in state and federal courts. In the past four years, states have paid almost \$10 million--

**SCHEER:** One minute.

**HUNT:** --in attorneys' fees. So I, I introduced this amendment after Senator Hilgers was talking with Senator Matt Hansen the other day about the propriety of using the General Fund to pay attorneys' fees in the state claims bill. So I'm saying, so why don't we in this bill create a fund to pay out the claims that are gonna be made against the state when we have to litigate this. If our luck is as good as in other states as they've had in the courts, we can expect to pay

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attorney fees to defend it. We can expect to pay a million dollars or more if we pass this bill. So we may as well set the money aside now. I think that we should have that serious conversation since we're all being so fiscally responsible with the rest of the bills that we're talking about. My amendment creates a legal defense fund to defend the provisions of this bill. The amendment provides that the money in the fund if it's not used it will go into the General Fund on July 1, 2025. If people who support this abortion ban--

**SCHEER:** Time, Senator.

**HUNT:** Thank you.

**SCHEER:** Thank you, Senator McCollister and Senator Hunt. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Mr. President. Well, as a mother, as a woman, as a person of faith, as a lawyer, as a state senator, I will help my neighbors. I will not judge my neighbors or shame my neighbors or throw doctors into jail who are following their best judgment and medical training and ethics in order to provide compassionate care. And so I want to end my time on the mike here with the voices of almost 20 Nebraska doctors who are opposed to this measure. Here's what they're saying. I request that the letter in opposition of LB814 be included in the upcoming public record. As an obstetrician and gynecologist who regularly cares for women, I oppose the advancement of LB814 as gross interference in the patient-physician relationship. OB-GYNs dedicate their careers and lives to securing healthy futures for our patients and their families by providing high quality, evidence-based healthcare. This includes safe legal access to abortion as a necessary component of women's healthcare. I am alarmed at this attempt to interfere in the doctor-patient relationship by prohibiting physicians from providing safe, evidence-based healthcare to women in Nebraska. As you know, approximately 90 percent of terminations are performed in the first trimester. Women may need second trimester abortions for a number of reasons. The most common reason that I see in my practice-- this is Dr. Tiffany Somer-Shely, and signed by 20 others. What I see in my first-- sorry, the most common reason I see in my personal practice and that of my partners is that of significant pregnancy complication or severe fetal diagnosis that develops or is diagnosed in the second trimester. In these cases, D&E is the medically preferred surgical method and the safest method. If this bill advances, it will interfere directly with our doctor-patient privilege and let politicians, not women and their families, determine their own healthcare decisions. I urge the Judiciary Committee and the Legislature as a whole to flatly reject it. It is poorly written using

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both medical and nonmedical terms interchangeably. It uses inflammatory, nonmedical language to incite discomfort with abortion care and with doctors who provide it. It is clearly designed to limit physicians' treatment options and limit access to reproductive healthcare in our state. The so-called, quote unquote, health exception for this ban is extremely narrow and would force doctors to wait for a woman's condition to, to deteriorate dangerously before permitting medically-indicated treatment. On both levels, it is dangerous, dangerous and ill-advised. It is extremely dangerous for lawmakers to presume they are better equipped than medically-trained physicians to judge what treatment approach is appropriate for a patient. LB814 would criminalize physicians who perform a procedure that in many cases is necessary to protect a woman's health or future fertility. The criminal penalties in LB814 are alarming. They would place physicians in the impossible position of having to deny a woman evidence-based, compassionate care that results in the fewest complications and which would also have a chilling effect on the--

**SCHEER:** One minute.

**PANSING BROOKS:** --availability of medical care for women in our state. ACOG's executive statement of policy on legislative interference states, quote, Laws should not interfere with the ability of physicians to determine appropriate treatment options. The college and ACOG strongly oppose any governmental interference that threatens communication between patients and their physician or causes a physician to compromise his or her medical judgment about what information or treatment is in the best interest of the patient, unquote. I recognize this issue is both politically and emotionally charged, but that does not justify interference with the doctor-patient privilege. I urge you to consider the effects of this proposed legislation on the provision of medicine in general and upon Nebraska's ability to provide safe, evidence-based, compassionate healthcare. Signed by 18 to 20 medical providers and OB-GYNs.

**WILLIAMS:** Time, Senator.

**PANSING BROOKS:** Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Pansing Brooks. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much, President. Well, left-- leave off where I-- pick up where I left off. You know, part of the reason why I'm standing is because I do have a-- I have a concern that when I brought this concern before, I want to make sure that we are doing everything

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we can to be as data-driven and as grounded in science as possible. I don't want that to then take away from the fact that people might have very deeply held beliefs or ideologies on this issue that are very grounded in values or grounded in what is right and wrong. Nobody can take away that perspective from you. But what we're debating here is whether or not we should change law and whether or not it's not only, well, legal or constitutional, but more importantly, whether or not it is backed, backed by those that are doing most of this work in the field. You're not gonna hear me get on the mike and talk about different issues as if I'm an expert on every issue. But the reason why we have the hearing process and the reason why we go through the deliberative process is specifically so that we can then hear from people on all sides to try to make some pragmatic decision-making. With this, I'm not, I'm not there yet. And I said this before, the Nebraska Medical Association and other hospital associations not being able to then necessarily take a stance or even support it. Again, because this is pulled, we don't have a statement that shows everybody that's for or against it in the deliberative changes in terms of the amendment. We obviously have amendment languages, but that's the issue that I have, that we should be trying to do everything we can to listen to, to doctors and healthcare professionals that have been doing this and are trying to make sure that we have protections in place no matter what the instance may be. And so with that, I hope we, I hope we can make sure we're grounded in science in this and make sure that we're grounded in what is the safest possible procedures for women and make sure we maintain that relationship with an individual's medical doctor. And I'll yield the remainder of my time to Senator Hunt.

**WILLIAMS:** Thank you, Senator Vargas. Senator Hunt, you're yielded 2:35.

**HUNT:** Thank you, Mr. President. Thank you, Senator Vargas. We can never know all the reasons why somebody chooses to end a pregnancy, which is why a one-size-fits-all ban, abortion ban like this doesn't work. I am not comfortable deciding for someone whether they should have an abortion or not. And I'm not comfortable telling doctors what the best standard of care should be when it comes to a safe procedure. When it comes to a procedure that is often necessary for the life of the mother. And when a woman has made the decision to have an abortion, she should not be judged. It is not our place to judge her. She needs a comforting and compassionate embrace, not a cold shoulder. There are no easy answers, and everybody's path is a little bit different. This bill is not about protecting women. That's a very gross thing to hear. Honestly, it's a very gross thing to hear given

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the experiences and testimonies we've heard from so many women who needed this care. For almost all of human existence, women were not able to have control over their own fertility. Since the dawn of birth control, what's happened since then? We have women working, we have women going to school, and that's led to women making up over half of the people who graduate now. We can live in a society for the first time in human history where half of our doctors, lawyers, professionals are women. And all of our shared quality of life is better for that.

**WILLIAMS:** One minute.

**HUNT:** Men, you have to want for women what you want for yourselves. You have to want success for women, even if it doesn't affect you. We women are still fighting for reproductive rights that we have already won. Instead of abortion bans as a solution, which do not protect women, politicians making decisions on behalf of physicians and experts and researchers do not have the power to say what protects women when it comes to healthcare. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hunt and Senator Vargas. Speaker Scheer, you're recognized.

**SCHEER:** Mr. President, we have reached the allotted time on this bill, so if you will move to the next item on the agenda, please.

**WILLIAMS:** Thank you, Speaker Scheer. Mr. Clerk, for announcements.

**CLERK:** Mr. President, before we proceed and return to LB866, I do have items to read. Enrollment and Review reports LB910, LB923, LB1052, LB1124 as correctly engrossed. Series of amendments to printed: Senator Geist to LB814; Senator Vargas, LB667; Senator Lathrop, LB1004; Senator Brewer, LB848; Senator Erdman, LB814; Hunt, LB814; Wayne, LB848 and LB1056; and Stinner to LB930. Hearing notice from the Business and Labor Committee. And a confirmation report, Mr. President, from the Transportation Committee. Returning to LB866, Senator Hunt, when we left that bill, you, Senator, had pending a motion to bracket it at 1:30-- till 1:30 today I'm assuming.

**HUNT:** That motion.

**CLERK:** Thank you. Mr. President, then we're back to LB866, discussion on the committee amendments are pending.

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**WILLIAMS:** Thank you, Mr. Clerk. Members, as the Clerk stated, we are back to LB866 and the Urban Affairs amendment. Senator Wayne, would you like to give us a short update on the amendment, AM2913?

**WAYNE:** Thank you, Mr. President, this will be the second refresher of the second refresher. The refresher is we are asking roughly ten cities to do a report, submit those reports on middle, middle housing so we can start gathering that information. So we as a state can start making better decisions regarding middle housing. Thank you.

**WILLIAMS:** Thank you, Senator Wayne. No one in the queue wanting to talk. Senator Wayne, Senator Wayne, you're now in the queue.

**WAYNE:** Thank you.

**WILLIAMS:** You're recognized.

**WAYNE:** Thank you, Mr., Mr. President. I'm giving time for Mr. Chambers, Senator Chambers, to get up here. As I told you, we'll take the rest of the time on this for today. Not sure how long we'll go. But I have a couple of motions that if I need to file, I will. I told everybody I will start on my own bill so I treat all of them fairly. I think it's important that we do so. And what we're gonna talk about a little bit about is redlining and why. And I'm, and I'm gonna explain again, because it seemed like a couple of senators were upset with my tactic and not really understanding why this is the line in the sand. And so what we're gonna pass out is some information on north Omaha and the history of redlining and why that's important and why when I see a government endorsement of \$10 million to rural housing-- workforce housing and nothing to urban areas, it takes me back to the same concept of redlining that we are backing, we are endorsing, we are promoting one section over another. And it just so happens to be the same section that are poor and often minority. The other reason is, is we still have systems in place that cause this type of segregation. And yes, it is true, it is mainly used in Douglas and Sarpy County. But the reality is SIDs perpetuate segregation and is the new redlining of today. So we're gonna spend some time talking about that, because I think it's important that you understand when I see \$10 million being line item from somewhere else when we're told that we don't have any money available on the floor for basic things, this is my reaction, this is my history. This is my line in the sand, because it takes me exactly back to this. So the document you have, and we'll spend some time on it, is Omaha and it's not colored. I did have color ones last year, but you can still see the A, B's and C's and D's. And this was actually done by the federal government and it was given to all the banks. And I want to put that in perspective.

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Banks in Omaha and banks in this state made money off of segregation. They made profits off of this redlining. So they are just as guilty as everybody else, although they were just doing business. If you take it a step farther, going back a couple of hundred years, northern states made a lot of money off of cotton, although they claim, oh, we're northern states and we didn't have slavery, but they endorsed the industry, made money off the industry. What's also a little interesting, as the presiding officer is also the Chair of the Insurance Committee, insurance companies during slavery and during redlining made a lot of money off of this racism. So during slavery, slaves actually were insured. And so insurance companies made a lot of money back then. They were considered chattel. So you insured your chattel. They also insured a lot of boats. They also insured a lot of other things that were directly connected to the slave trade. Fast forward during Jim Crow, fast forward to redlining. Industry still made a lot of money. And what we're gonna talk about is this map where you look at D and C, these were the areas where the federal government said do not back that mortgage, do not let people buy that house, do not allow white people to move there.

**WILLIAMS:** One minute.

**WAYNE:** And the reason that was, was done was because D and C, D specifically was African American or Hispanic, black and brown, and C had a little bit of integration. And what's amazing about this map is if I were to put a overlay of 2020 demographics, it almost still is identical. So if you recall that area that I showed from my district, that's mainly the B and C area. Senator Chambers is mainly that D area. And some of Senator Vargas is the D and C. That set the stage for the housing issue and the lack thereof of middle housing that we have today. This happened from 1920 all the way to recently as 2006, believe it or not. But actually redlining itself was stopped in the late '80s.

**WILLIAMS:** Time, Senator. Thank you, Senator Wayne. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much, Senator Wayne. We're talking about your bill now. This is good. I want to add to this conversation about redlining in a couple of different ways, because I come from this a little bit. Again, I'm gonna talk a little bit about data here. If you think that redlining is not real, it is absolutely real. And the reason why we know that is we can see the health outcomes. So I want to reference a few of those. Housing obviously affects educational outcomes. Educational outcomes affect how much money we need to spend for education and how much money we need to spend for education is

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clearly very much tied to-- well, the problem we're trying to solve here. Property taxes, having necessary revenue to then actually support our education system. So here's how housing and while we're talking about housing affects educational outcomes. Children who live in a crowded household at any time before age 19 are less likely to graduate from high school and tend to have lower educational attainment at age 25. It's why I've been on the record supporting housing in general. I've been on the record supporting rural workforce housing and urban, because knowing that a household can generationally, generationally determine whether or not I'm more likely to have educational attainment is a very scary thought. Living in poor quality housing in disadvantaged neighborhoods is associated with lower kindergarten readiness scores. We've been on the mike here for a couple of years talking about educational readiness and reading and making sure people are at the right levels, because when they're not, when our students are not, it is more expensive on the back end. It just is. That's why we focus on third grade reading, eighth grade reading, why I've been approached in the past with a third grade reading bill, because we need to make sure our students are educated readily. But if we're not also thinking about their housing, we have an issue. For typical households, let's say near a high scoring public school, housing costs about 2.4 times as much, or roughly about \$11,000 more a year as housing near a low-scoring public school. And housing and financial instability often leads to children moving to poorer schools. Colleagues, I bring this up because one of the reasons why I've, I've brought bills in this arena and why I've supported Senator Wayne in this, you know, to have this conversation is they're all inextricably linked. Having good housing, having better housing options provides us with an opportunity to ensure that housing isn't a barrier for people's health. Housing isn't a barrier for people's ability to then actually seek out and be in jobs. And housing isn't an a barrier for their health and well-being. Because if we can address that issue with creating more equitable opportunities for housing in different areas, then we can ensure that that's one less thing that's in their way. One less thing that could be standing in a person's way of getting out of poverty. So when we're up here, I'm up here talking about issues that have to do with, well, quite frankly, either housing or educational outcomes and expecting more from our system. It is also not only for the well-being of that family, it's also with the intent of trying to ensure that more people, once they get a high school degree, can be employed. That they can work and a barrier isn't whether or not they're educationally ready to then be in, in that job. We have a high number of individuals that have less than a high school degree. And if one of the barriers is housing, we have an opportunity to address that.

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**WILLIAMS:** One minute.

**VARGAS:** The other, the other reason that housing is, is particularly a huge issue is because of how it affects health outcomes. Now whether or not you're in a rent or you, you own your home, being behind on rent, moving multiple times, and even experiencing homelessness are associated with adverse health outcomes for caregivers and children with material hardship. Households with poor housing quality had a 50 percent higher odds of an asthma-related emergency department visit in the past year. Rental households with children are more likely to have asthma triggers in their home than owners. They're more likely to have at least one child with asthma. And black per capita income is lower in regions with higher levels of economic and black and white segregation. I can continue going on with why this is good for our bottom line of what we're also trying to solve. We've been trying to talk about solving the, the spending that we are having at the local and state level.

**WILLIAMS:** Time, Senator. Thank you, Senator Vargas. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. I was wondering if Senator Wayne would respond to a couple of questions, please?

**WILLIAMS:** Senator Wayne, would you yield?

**WAYNE:** Yes.

**MOSER:** This is kind of a continuation of a discussion that we've had in the past where you've tried to come up with projects to help your district. And two of them that I voted for, one of them over the Governor's veto. I was just curious if you could give us an update, what's happening with the transit funding that we approved here, it was last year, I believe, and the TIF where we gave 33 percent more TIF funding to your district? Are you seeing more TIF projects? Are those projects serving your district?

**WAYNE:** The first question regarding the transit, the \$125,000 that was given to a study for the bridge and we outlined why the infrastructure is bad, they have applied part of that condition of that was to have a federal grant match. They have applied for that TIGER grant. They are waiting for that to come in. They have also started raising private dollars. So we are looking for that to be completed within the next year report back to the Legislature because it-- it's gonna cost a little bit more than what they thought. So they're raising money for the Omaha Chamber and other people. And they applied for the TIGER

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grant, I think it's called, at the federal level because it required us to match it. Second thing you asked about was TIF. Well, actually, it's on the ballot. It's on the ballot this November. The extremely blighted. So that hasn't kicked in for any district yet. Once it's passed by the voters, it'll kick in. What we did do was a tax credit of, of \$5,000 for new homes that just started this year. So we won't see those receipts until next year.

**MOSER:** OK. Well, I just brought those things up because I know those are things that your colleagues supported you on. And they were supposed to help your district. And so I was just curious whether those things turned out to be helpful to you or not. Thank you very much.

**WILLIAMS:** Thank you, Senator Moser and Senator Wayne. Senator Wayne, you're recognized.

**WAYNE:** Thank you. And Senator Moser made a great point that I do think at times this body, particularly the Public Transit Authority, the Regional Transit Authority, we, we overrode the Governor on, is not necessarily for my district, that was for the entire Omaha community and Fremont we included because of the industries that are growing out there. But there is small nibbles that we do. My only problem with how things are done in this session was we had a bill for \$10 million that was killed on the floor and we just appropriated \$10 million for workforce housing. So put that in comparison, \$125,000 for a study that benefits all of Omaha, \$5,000 tax credit for new homes if you-- if you're a first-time homeowner to \$18 million over 3 years. I have a problem with that. I have a problem with the equity in that. And that's what this slowdown is about. It's about the equity in that. And we can pick and choose. And I will have-- love having this conversation with Senator Briese about where dollars goes versus urban versus rural. I have no issue with that on a, on a great level. And we can have more conversation about education because most people know, I think that no matter where you are born to state should pick up some of your education at some point. And it should be at least a baseline across the board. So I have no problem with that. But when we start talking about specifics, we are talking about housing. We start talking about those policies that have historically discriminated against black and brown people and poverty people, because it's not always just black and brown, and poverty people. Then I have to look at the equity. What are we doing for rural? What are we doing not just for rural because we have SIDs. SIDs are all around Omaha, all around Bellevue. And the average house built in a SID is \$300,000. And the reason they can do that is because they have interest free-- or low

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free bonds-- tax-free bonds, their general obligation bonds. But if I-- one day if I have money, want to become a developer, and say I want to build on 30th and Ames, I have to go get a conventional loan from the bank. I don't get that same tax break. I don't get that same extra funding. So when we talk about housing and urban core versus housing in rural, I look at it through equitable lens. And I think that's fair. That's what we do on property taxes sometimes. But we try to say, here's what the farmer is paying and here's what's going on in urban areas. I would submit that most urban areas pay a little bit more per dollar in, in property taxes. But we also vote for our own levy override so we can't blame anybody else. My point in saying all that is, I appreciate this body support on specific issues. But when we start talking about areas that have historically discriminated by this government, by the state of Nebraska, that continue to set up systems like SIDs to discriminate, then I look at it through equitable lens. And when I see something that is very inequitable, I don't get the, I don't get the, the benefit from my community to say let's wait till next year. I don't get the benefit to say we'll kick this can down the road because every day we don't do something here that is generational wealth that we don't get to pass on. The same argument that I heard Senator Bostelman make about the family farm. They get that opportunity to inherit that property tax.

**WILLIAMS:** One minute.

**WAYNE:** We didn't. So I look at it through that lens when we talk about housing. And that's when we talk about housing, I get up and say, enough is enough. We need to sit down. And if we're gonna play this game, I can't be participate and we'll make sure the whole body slows down to understand that because it's that important. And it's unfortunate that you are catching the brunt of discrimination that you maybe had not nothing to do with or had anything to do with it. But it's also the burden that I get to carry that I have nothing to do with. Both of my parents, my parents have home. They were able to buy a home. We were in a very diverse neighborhood, but I'm lucky in that sense. And it shouldn't have to be that way. And it's because directly linked to the policies that are in this handout that we're gonna talk about that caused that growth in equity. And so we'll spend some more time talking about that. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Wayne. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. And good afternoon, colleagues. Colleagues, I do rise in support of, of this bill. I know it's about the third time we've been debating this bill already and with some

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stops and some starts with the agenda. And I did want to rise and just kind of talk about the underlying bill for a moment. It's an Urban Affairs priority bill. I want to thank Senator Wayne for making a priority of our Urban Affairs Committee, housing and housing availability and affordability. I think that is time and time again an issue I've heard is going to be a core issue and a key issue for a lot of the state, including my district, including the city of Lincoln, as well as, as Senator Wayne is sharing Omaha and his district and other districts in the metro area. Some of the concepts from LB866 are from a bill of mine about missing middle housing. And I just kind of want to rise and talk about that for a little bit and to thank both Senator Wayne for his courtesy in including some portions or concepts or terms from my bill in this, in this package, as well as for committee staff, Trevor Fitzgerald, and others for working so hard. One reason I did want to highlight that is there's kind of multiple terms in housing that kind of connect and sometimes overlap and sometimes get confused. And I've experienced this in this bill alone where when I talk about middle housing, I'm talking about middle density housing, as in things between large-scale apartment complexes and single-family, freestanding homes. And a lot of people occasionally think it's middle-income housing, which can be a freestanding home. It often is a freestanding home. One is, one is kind of the middle in terms of the density spectrum, in terms of, in terms of kind of, you know, how many, how many people live in a given area. And the other one is in terms of income and affordability. And, and I think both are important to promote. And I think we've had some different proposals to promote both. One reason I want to promote middle, middle housing is, middle housing in terms of when we talk about middle housing, it's small apartment complexes, duplexes, townhomes, things like that. Things that are just one step up in terms of density from a single-family home is those often have some really high cross section and crossover in terms of both desirability and affordability. My bill that's rolled into this had a very diverse set of stakeholders who are excited and interested in this. Everything from homeless prevention campaigns to the AARP in terms of, you know, looking at seniors downsizing to realtors, all sorts of different groups, kind of see this key concept in this key issue of promoting middle housing as an important concept in our cities. It's an issue that's kind of waxed and waned throughout our history. Some, some neighborhoods, it's certainly more common than others. And this is, this is an opportunity for this with a compromise with all the cities and all the stakeholders to sit down and say, hey, we can have one component when you're thinking about cities, you know, where is your middle housing? You know, what is your middle housing availability in terms of both density and income? With that, if I have any remaining time, I'd yield it back to Senator Wayne if he needs it.

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**WILLIAMS:** Senator Wayne, you're yielded 2:00.

**WAYNE:** Thank you, Mr. President. So I want to turn back to this map on the first page because I think it's important. I know there's just a lot of, a lot of debate about charter schools. And I always make people upset when I say this, but the A area right there, that's, that's the west side. That was the first public charter school district in the state of Nebraska. And it was carved out because they didn't want folks from Tech High and Central, black and brown folks to go together. Now when you read their website, it says great things about it was small communities and they want to join up. But if you go back and read the transcript in 1947 and again in 1949 on this floor debate, it was specifically around not making sure black and brown kids did not go there. And if you want to Google that area and go back through restrictive covenants, particularly in deeds. That area was heavily known for having in their deeds that they cannot sell to African Americans or allow black folks to live there.

**WILLIAMS:** One minute.

**WAYNE:** Which is why I also passed out this handy-dandy business card from 1920. He ended up dying in 19-- almost 1940, but is specifically in my district, District 13 in Florence, he would never sell to niggers, Japanese, and Chinamen. And that was like on his business card. So again, you have generations of generations buying houses where we couldn't necessarily participate. But I just want you to know that that same area of A, it still has the same racial makeup almost as it did that long ago. Nebraska, particularly Omaha, is very segregated, but I will submit to you is directly result from the housing that was endorsed and the policies that were endorsed by the federal government and by the state. So again, I, I want to make sure people are clear and I'm not gonna read this whole thing, although we, we have time to. But I heard we're trying to end about 5:00, so that-- that's fine. But I do want to hop forward--

**WILLIAMS:** Time, Senator.

**WAYNE:** Thank you.

**WILLIAMS:** Thank you, Senator Wayne. Mr. Clerk, for announcements.

**CLERK:** Just one item, Mr. President. I have a motion to be printed with respect to LB1008. I also have a priority motion, Senator Brieser would move to adjourn the body until Thursday, July 30, at 9:00 a.m.

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**WILLIAMS:** Members, you've heard the motion to adjourn. All in favor say aye. Opposed say nay. We are adjourned.