

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 16, 2023

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-eighth day of the One Hundred Eighth legislative session, First Session. Our chaplain today is Senator Lowe. Please rise.

**LOWE:** Please attain an attitude of prayer. Dear God, thank you for this new day and all the blessings it brings. We ask you for your guidance and your presence as we go about our daily tasks and responsibilities. Please give us the-- give us the strength and the resilience to face whatever challenges may come our way, and help us to be a source of love and support for those around us. We pray for your protection and to care for all those in need, especially children, and for your wisdom and discernment to guide us in making good choices. We trust in your love and your care for us. We pray for your continued presence in our lives. In your name, Amen.

**KELLY:** I recognize Senator Ibach for the Pledge of Allegiance.

**IBACH:** Please join me as we pledge allegiance. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**KELLY:** Thank you. I call to order the seventy-eighth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**KELLY:** Thank you. Are there any corrections for the Journal?

**CLERK:** I have no corrections at this time.

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

**CLERK:** There are, Mr. President. A communication from the Governor concerning appointment to the Nebraska Public Employees Retirement Systems. Additionally, new L-- excuse me, a new A bill, LB272A from Senator Linehan. Its bill for an act relating to appropriations. Appropriates funds to aid in the carrying out of LB727; and declares an emergency. New LR, LR164 from Senator Dorn. That will be referred to the Executive Board. That's all I have at this time, Mr. President.

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**KELLY:** Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR131. Senator Briese, you're recognized for an announcement.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. Just a reminder that the deadline for introducing interim study resolutions is the 80th legislative day, which is Thursday, May 18, no later than noon on that day. Standing committees may also introduce one additional interim study resolution prior to adjournment sine die. Interim study requests submitted to the Bill Drafting staff by noon today will be guaranteed to be ready for introduction on the 80th day. Requests received after that time will be drafted if time permits. Should you have any questions, please feel free to contact my office. Thank you, Mr. President.

**KELLY:** Thank you, Senator Briese. Mr. Clerk, we will now proceed to the first item on the agenda.

**CLERK:** Mr. President, the first item on the agenda, LB727. First of all, Mr. President, Senator Conrad would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

**KELLY:** Senator Linehan, you're recognized to open.

**LINEHAN:** Good morning, Mr. President. And good morning, colleagues. LB727 is an important bill. There are several things in it that are-- fix it. I can think Senator Clements has one on inheritance tax. Senator Hansen has a bill that fixes the dates on the postcard. I'm just going to go through it. And then when I'm done, I'm hopeful everybody that's got a bill amended into this will speak on their parts of the bill. So the first-- sorry. LB77-- LB727 includes AM68-- excuse me, AM867. I can't read this morning. AM867 is if an organization is going to build something for a city or a county and then give it to them, this will allow that organization to have the supplies to build whatever they're building. I'll give you an example this specifically works for. Heritage in Omaha is building a brand new public library for the city of Omaha. If the city of Omaha was building that library, they wouldn't have to pay sales tax on any of the inputs to the library. But since Heritage is building it and then giving it to the city, Heritage would be paying those sales taxes. So this amendment helps Heritage get the same tax avoidance as they would if the city was building it. So I'd appreciate your support of that. LB74 is also included. This was a bill that got to Final last year-- I think it was on Final Reading. And Senator-- Chairman Stinner and I made an agreement that we had to both find \$10 million. So this bill,

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even though it passed three times or twice, I should say, and was on Final, we pulled it out. It is to allow the same sales and use tax exemption of purchases if the end user-- so if you have a manufacturing company and you yourself fix equipment or add equipment, you don't pay sales tax on it. But if you hire somebody to come in and do that, you have to pay sales tax. So it's just trying to make it even. It actually helps the smaller firms that don't have in-house help. Senator Slama is LB96. Would you like to explain-- Senator Slama, would you yield for a question?

**KELLY:** Senator Slama, would you yield to a question?

**SLAMA:** Yes.

**LINEHAN:** Senator Slama, would you like to explain what LB96 does?

**SLAMA:** Oh, it would absolutely make my day to go through LB9-- LB96, which you so graciously included in AM1152. What LB96 does is it's a cleanup bill building off of a groundbreaking bill that we introduced last year to ensure that we are excluding twine in net wrap, those things that you use to make bales of hay, from our tax rolls. We were running into farmers that had the problem that as an ag input, twine and net wrap would either be taxed or not. They weren't given any warning from those vendors. And we're just further clarifying that as an ag input, twine and net wrap are exempt from sales tax in the state of Nebraska.

**LINEHAN:** The next addition is LB100, which is Senator Erdman's bill. Would you-- would Senator Erdman yield for a question?

**KELLY:** Senator Erdman, would you yield to a question?

**ERDMAN:** Most certainly I would.

**LINEHAN:** Senator Erdman, would you please explain what LB100, that's now included in this bill, does?

**ERDMAN:** Yeah. Thank you, Senator Linehan. First of all, let me thank you and the committee for including this amendment, this bill as, as an amendment. This deals with the waste disposal treatment plant in Kimball, Nebraska. And what currently has happened, they're not eligible for the ImagiNE Act. And so what this would do, it just changes that-- the qualifications and the location of the north-- North American Industry Classification System under the Nebraska Revised Statute, that this addition would allow the waste treatment

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and disposal facility there in Kimball to benefit from the Imagine Act. That's all it does is make them eligible for the Imagine Act.

**LINEHAN:** Thank you, Senator Erdman.

**ERDMAN:** Thank you.

**LINEHAN:** Thank you very much. I was going to go to Senator Brandt, but we can't find him. So would Senator von Gillern yield to a question?

**KELLY:** Senator von Gillern, will you yield to a question?

**von GILLERN:** Yes, I will.

**LINEHAN:** Senator von Gillern, would you please explain what LB165 that's now included in this bill does? And I think it is a Senator Bostelman priority bill.

**von GILLERN:** Yeah, LB165 was originally brought to the floor-- or brought to hearing by Senator Geist and is referenced to 529 NEST accounts. And it allows for align-- aligning those accounts with some federal regulation and allows the funds-- I'm just, excuse me, I'm looking at the notes right now. The federal changes allow for contributions to the plan to be used to pay tuition at an elementary or secondary school of choice. 529 accounts can be used to help pay off student loans, but they cannot be used to pay for K-12 tuition. Currently, Nebraska is only one of 11 states that does not allow 529 accounts to be used for K-12 funding.

**LINEHAN:** Thank you, Senator von Gillern. So this is different than the 529 that was in the income tax bill. We did away with that last week. This is for accounts that are already existing. So the next bill is-- we'll go to LB300. This is for Community Alliance, it's a mental health center in Omaha. They do both outpatient and inpatient care, and right now they have to keep track of whose medicines are inpatient and whose are outpatient because they have to pay sales tax on the outpatient, but not-- or collect sales tax on the outpatient but not on the inpatient, which makes their bookkeeping a nightmare. So this would allow them not to collect sales tax, whether they were inpatient or outpatient. Next, I would go to LB344, if Senator Armendariz would yield to a question?

**KELLY:** Senator Armendariz, would you yield to a question?

**ARMENDARIZ:** Yes.

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**LINEHAN:** Senator Armendariz, can you explain what LB-- your bill LB344 did?

**ARMENDARIZ:** Yes. So three sessions ago we passed the Nebraska-- remind me-- Nebraska income tax--

**LINEHAN:** Seven-- LB1107.

**ARMENDARIZ:** --property tax, tax credit act and unfortunately, it didn't have a lookback date applied to it. So we're going to put a five-year lookback on that income tax credit. Unfortunately, one of the counties had to look back to 1998, which required a lot of money on their part, which is paid for by property taxes. So we want to limit and make some efficiencies in that process. It's a cleanup bill just to apply a five-year look back on those.

**LINEHAN:** Thank you, Senator Armendariz. When Senator Armendariz brought this to me, I was confused. I'm like, they couldn't possibly do that. But somebody did try. So that can-- we just limit it-- it's the income tax/property tax credit bill that was in LB1107. And this just means they can't go back more than five years, which was never our intention. Senator Bostar, could you yield for a question, please?

**KELLY:** Senator Bostar, would you yield to a question?

**BOSTAR:** Yes.

**LINEHAN:** Senator Bostar, you had LB384, which is now part of this bill. Can you explain what LB384 does?

**BOSTAR:** Yeah, absolutely. LB384 is a simple bill that takes the sales taxes from the sale or lease of aircraft and diverts that to a fund for the purpose of maintenance and repair of our state's airports.

**LINEHAN:** Thank you, Senator Bostar. I appreciate that. The next bill we'll go to was my LB407. It is the Nebraska Transformational Projects Act. I'm very excited about this.

**KELLY:** One minute.

**LINEHAN:** It's called the "Good Life Transformational Act." It's to promote and develop general and economic welfare for the state. It would include-- and I'll wrap up on this when I get up next time. One thing I want to mention, if you're looking at the language, the date on page 4, Section 12 will be extended. We've got-- we're going to have some fix-it amendments, probably won't get to it until Select,

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but that date will long-- longer be 2024. To qualify for this, they have to invest in your-- if you're in a county of over 100,000, which is Douglas, Sarpy and Lancaster, you have to invest \$1 billion, \$1 billion with a B. You have to prove that 20 percent of your sales are from outside of the state, 20 percent.

**KELLY:** That's your time, Senator.

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

**KELLY:** Thank you, Senator Linehan. Senator Hughes would like to recognize the physician of the day, Dr. Pat Hotovy of York. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to open on your motion.

**CONRAD:** Thank you, Mr. President. And good morning, colleagues. I know that Senator Linehan was working through all of our colleagues that have different measures that have become a part of or are proposed to become a part of LB727. So I know working through so many different proposals and different senators, it's hard to cover that in the limited time for our opening. So I would just want to really focus the body's attention on two primary matters this morning. So the first being that you may remember in the wake of the rules change that was adopted in contravention of our policies and practices without a public hearing, limiting the amount of motions that could be brought forward, I, Senator Hunt and Senator Cavanaugh worked together to file a host of motions to structure debate for the remainder of the session. So that is why the motion to indefinitely postpone is on the board this morning. It is not to signal nor indicate that my intention is to indefinitely postpone the measure. Rather, I appreciate and am grateful for Senator Linehan and the Revenue Committee's work to put together a thoughtful package of proposals to address important revenue issues in each of our districts and all across the state. And by looking at the queue this morning, I think that we'll have a lot of opportunities to hear some more about the details of those proposals, as it seems quite full and quite robust. I also thought, considering how deep the queue was this morning, that it would be good to leave my motion on the board, at least temporarily, so that I have an opportunity to again thank Senator Linehan and the Revenue Committee for including a component of one of my bills in this package, LB697, which relates to the Nebraska Job Creation and Mainstreet Revitalization Act, otherwise known as our Historic Tax Credit. I also want to acknowledge the appreciation I have for Senator Slama and Senator Vargas, who have also brought forward similar measures in regards to this very important program. You may remember that this

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well-established, wildly successful program across a host of different metrics was set to expire at the end of 2022. So what my measure did, and like I mentioned, Senator Slama and Senator Vargas had similar but somewhat distinct measures before the Revenue Committee, all related to the continuation of this important program, and I think really reflecting and highlighting the importance of this program for communities great and small in rural Nebraska, in metro Nebraska. And when you look at the metrics, you can see that there have literally been hundreds of businesses benefited by this program. There have literally been thousands of jobs created and supported by this program. This program has helped to leverage millions of dollars in private investment into keeping our communities vibrant and beautiful and thriving. It has also leveraged a considerable amount of volunteers, a significant amount of construction and rehabilitation. And I know from my past service in the Legislature that this was really a program that enjoyed just incredibly vibrant support. And it's really a pleasure to have the opportunity to bring forward this measure. So in addition to pushing the sunset date for the program out a bit further, my original underlying measure, LB697, also addressed concerns that the Revenue Committee and other stakeholders had expressed in the past, including adjustments to the cap for the program itself, ensuring that there is a targeting mechanism or for-- to ensure an allocation for smaller requests and smaller projects to be available. It also reiterates that this measure does not include language regarding single-family homes and it adds reporting requirements which are critical to ensuring transparency for all stakeholders, including the taxpayers, and performance metrics that we can use to evaluate the program as it continues forward. So with that, I'm happy to answer any questions in regards to my component of the measure, but I will leave you with one final statistical point. I know that in Lincoln alone, there have been over five projects that have totaled over \$1 million in tax credits requested under this program. And throughout the state, there has been over \$27 million, in terms of projects that have been requested in tax credits, with an average credit just being about \$370,000. So that really goes to show you what a good value this program is, the widespread support for this program, and how important it is to continue and carry it forward. And I really appreciate Senator Linehan and the Revenue Committee for its inclusion in the committee amendment to LB727. Thank you, Mr. President.

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

**HOLDCROFT:** Thank you, Mr. President. And thank you, Senator Linehan and members of the Revenue Committee for including my bill in, in

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this, in LB727. And I thank you for the opportunity to present my section of AM1152 to LB727. This was originally known as LB580 with AM634. This bill will, will amend-- would amend Section 77-1344 and 77-1347 of state statute. It would help to protect the incomes of farmers and ranchers across the state and may well be the deciding factor as to whether some landowners are able to keep their properties. LB580 was unanimously voted out of the Revenue Committee 8-0 on March 15. It is a Speaker priority bill. It is also the most important bill in the package. It will allow land that is currently involved in production agriculture to retain its special tax valuation as agricultural land. The specific intent of the bill is to address land that is part of an annexed area but is currently being farmed. The impetus of this bill happened in 2017. At that time, the city of Gretna annexed nearly 3,000 acres. Of this, 21 parcels, comprising 888 acres, were agricultural land. Under current state statute, this annexed land automatically became subject to commercial property taxes. Coupled with inflation and market factors, this will result in the total land valuation increase from just over \$5 million in 2022 to almost \$18 million in 2023. One of the affected properties is the home of Vala's Pumpkin Patch. The owner, Tim Vala, testified at the Revenue Committee hearing for LB580. In addition to the commercial property where their retail operation is located, they have 300 acres of land where they grow their produce. Mr. Vala said that this land may well have to be sold and their pumpkins and apples purchased from outside vendors. He said this would diminish the experience of families being able to pick their own produce. Vala's may also be forced to raise their admission prices to help offset the large tax burden. Other comments that were heard by testifiers in the hearing included that their farm was "almost like part of the family," that this would be an "unbearable tax burden" and that property owners should not be forced to sell because of a tax liability. The bill was amended by the Revenue Committee to exclude tracts of land that are five acres or less from receiving the special tax valuation. Once again, the purpose of LB580 is to allow land that is currently involved in production agriculture to retain its special tax valuation as an agricultural land until such time as commercial improvement begins on the land. AM634 assures that LB580 applies to the 2023 tax year. It is retroactive to January 1, 2023, and there is also an emergency clause in the amendment, as well. I believe this is a problem that needs a commonsense solution, and I believe LB580 is just that. This is a simple, practical bill that will be beneficial statewide. Thank you, Mr. President. And I yield the remainder of my time to Senator Linehan.



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**KELLY:** Thank you, Senator Holdcroft. Senator Linehan, that's 1:10.

**LINEHAN:** Thank you. I'm going to ask Senator Brandt if he will yield to a question.

**KELLY:** Senator Brandt, would you yield to a question? One minute.

**BRANDT:** Yes, I would.

**LINEHAN:** Senator Brandt, you have two of your bills in this. Would you-- either one-- pick one you would like to describe.

**BRANDT:** Well, with one minute, let's go with LB118. And that makes two straightforward changes to the livestock modernization provisions in the Nebraska Advantage Rural Development Act. The program incentivizes investment in livestock production with refundable tax credits to livestock producers equal to 10 percent of new investment in a qualifying project. First, it lowers the minimum investment required for a project under this program from \$50,000 to \$10,000. And second, it creates a tiered application fee where larger projects pay the current \$500 fee and then \$250 for a project between \$25,000 and \$50,000, and \$100 for projects under \$25,000. And the reason we did this is so that livestock producers in the state can buy a feed wagon or repair curtains on a barn. And if they didn't meet the \$50,000 minimum, they didn't qualify for the program. \$10,000 brings a lot more of these repairs and smaller--

**LINEHAN:** That's your time, Senator.

**BRANDT:** --producers into the equation. Thank you.

**KELLY:** Thank you, Senator Brandt and Senator Linehan. Senator Lippincott, you are recognized to speak.

**LIPPINCOTT:** Thank you, sir. And I was wondering if I can ask questions to Senator Eliot Bostar. And it's regarding LB384 and this is regarding funding and regulations as to the spending in the Department of Transportation Aeronautics Capital Improvement Fund. And Senator Bostar, from what I understand right now, sales tax revenue--

**KELLY:** Senator Bostar, will you yield to a question?

**BOSTAR:** Yes, I would.

**LIPPINCOTT:** Senator, from what I understand right now, sales tax revenue on aircraft at various local airports goes into a general fund. Is that correct?

**BOSTAR:** Yes. Currently that sales tax is collected like all general sales taxes for the state. And it, it goes to our General Fund.

**LIPPINCOTT:** And Nebraska, unlike most of other states, most other states, what they do is they use the, the sales tax, for instance, that airplanes-- in purchasing airplanes. That sales tax then is used at the local airports in order to make the airports better, to keep the maintenance, these kinds of upkeep items with the airport to keep them in good working order. Is that correct?

**BOSTAR:** Yeah, that's certainly a common method for maintaining airport infrastructure among states, and it's also a common method that we use here in Nebraska for, for other infrastructure. So taxes and fees paid by vehicle drivers go to fund our roads. Taxes paid on, for example, ATV sales, get diverted to Game and Parks for the maintenance of our, our trails and Game and Parks infrastructure. So this is really implementing something that is a common practice where the taxes paid by the users of a system goes to fund the maintenance and ongoing effort to preserve that very system that they are utilizing.

**LIPPINCOTT:** That makes sense. The taxes and revenue that's brought in from automobiles, gasoline, it's used to keep the upkeep of roads. And if we use the same methodology, then airplanes and the taxes that are brought in with the aircraft can be used to keep the airports in good working order. Right now, here in Nebraska, we do have a great number of small airports that are dwindling, that, just due to a lack of maintenance at the airports, some of them are closing. Is that correct?

**BOSTAR:** Yeah, that's absolutely right. We are-- honestly, we're losing our, our airports at a fairly alarming rate. And that's mostly due to the fact that we don't have the funding available, specific funding targeted toward the maintenance of our airports. And, you know, I'll go and I'll get the exact figures of, you know, even what the last ten years look like. But if, if I recall correctly, and I will double-check this, I think we lose about an airport every year in the state of Nebraska.

**LIPPINCOTT:** That's unfortunate. Also, in addition to our state revenue, does the federal government, do they also match this?

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**BOSTAR:** Yeah. So all of this funding can be leveraged effectively at a 9 to 1 ratio. So, for example, \$1 million put into this fund for the preservation and maintenance of our airports basically becomes \$10 million in usable funding for our infrastructure. And so it's a, it's a general-- it's a--

**KELLY:** One minute.

**BOSTAR:** --generous program that the federal government provides, partially because this kind of infrastructure development is expensive. And, and, and second to that, it's that there is an understanding that airport infrastructure is critical for the growth and development of not just Nebraska, but, but all of the states in our union. And that's why that this revenue is set aside at the federal level.

**LIPPINCOTT:** An airplane sold at Grand Island, for instance, has-- you sell it for \$100,000, 10 percent of that is tax. Then the federal government is going to take that times nine, is that correct?

**BOSTAR:** Yeah, effectively. So that, that \$10,000 then, in that example of tax would become \$100,000 in usable funds for the maintenance of our airfields.

**LIPPINCOTT:** Excellent. Thank you, sir.

**BOSTAR:** Thank you.

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

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

**ARMENDARIZ:** Thank you, Mr. President. As I mentioned earlier, I am in support of LB727. And I do have a bill within it, LB344, mentioned earlier. It is a cleanup bill for the Nebraska Property Tax Incentive Act that was passed a few years ago. We decided we needed to place a lookback limit on that. What it did was create an open-ended lookback, caused a lot of time that our counties would have to invest in doing the lookback on those property taxes. As I campaigned, property taxes were the number one issue when we were visiting constituents at the door. And I want to address that in every way we can. Now, this is a little way to do that. Last week we passed some bills that addressed it even broader and deeper, so I supported that as well. This bill, LB727, not only addresses property taxes in this way, but also new incentives that some developers can take, with-- and they have to make

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large and-- large investments to get those incentives as well. We also have a bill by Senator Hughes that will talk-- that creates new revenues as well. So just as I mentioned, again, I am in full support of LB727, and I would yield the rest of my time to Senator Linehan, if she'd like it.

**KELLY:** Thank you, Senator Armendariz. Senator Linehan, that's 3:20.

**LINEHAN:** Is Senator Bostar-- would Senator Bostar yield for a question?

**KELLY:** Senator Bostar, will you yield to some questions?

**BOSTAR:** Yes, I would.

**LINEHAN:** Senator Bostar, you have LB447 that's part of this bill. And I think it was prioritized by Senator Geist before she left. Would you like-- would you-- could you please explain what it does?

**BOSTAR:** Yeah, absolutely. So-- and correct, this was Senator Geist's personal priority bill. LB447 expands upon work that we did last year, last session. And, and so I'll, I'll start there. So last session, we created a tax deduction for retired professional law enforcement individuals on their health insurance premiums. As well, we expanded the tuition waiver for, for law enforcement. So this year, that's being expanded to take a broader look at, at really first responders. So professional firefighters will receive the same tax deduction, once retired, on their health insurance premiums, as well as the tuition waiver to match what law enforcement officers received last year. And on top of that, dependents of these two groups would be eligible for tuition waivers, as well.

**LINEHAN:** Thank you, Senator Bostar. So how much time do I have left, sir?

**KELLY:** 1:35.

**LINEHAN:** OK. I'm going to talk about the big picture, instead of calling on another senator to explain the part. All of these pieces either fix something that we need to fix that have generally been on consent and would have whipped through here with very little discussion. That would be the fixes on Senator Clements' inheritance tax, the fixes on Senator Hansen's postcard, the fix Senator Armendariz is bringing forth because it was never our intention-- actually, I remember--

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**KELLY:** One minute.

**LINEHAN:** --when we passed LB1107 where it was a discussion whether they could deduct last year's, too, because some people actually pay their taxes in the year they're due, versus what I do is I pay them when they're about to go delinquent. So there was a discussion and he said, no, you can just do them-- you can just take one year's off. So the whole coming back for five years, I don't-- that was never intended. So that is in here. I'm sure there's other things that-- the sales tax on, I think we'd all agree that if somebody is in counseling and they need, whether they're inpatient and outpatient, we need to do all we can for them and we shouldn't be charging sales taxes at a mental health center for medicines. The other parts of the bill, and I'll dive more into it and other people will speak to it, they're all about growing our state, either through Senator Conrad's historic tax credit--

**KELLY:** That's your time, Senator Linehan.

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

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

**ERDMAN:** Thank you, Mr. President. Good morning. This is a, what shall I say, a huge bill to try to understand all of the amendments and bills that have been amended in. But I was wondering if Senator Moser would yield to a question.

**KELLY:** Senator Moser, would you yield to a question?

**MOSER:** Yes.

**ERDMAN:** Senator Moser, you and I had a conversation off of the mic about how you get around the indebtedness to the state with bonding. I had a conversation with somebody off of the floor while you were maybe describing that constitutionality challenge and how you dealt with that. Could you give me a brief description of how you think you're going to circumvent that constitutional requirement?

**MOSER:** Well, I don't know how brief it would be. But the Build Nebraska Act funds the Capital Improvement Fund with sales tax revenue, and the Legislature can use that to build highways. But the Constitution limits the revenue that the state can pledge to highway bonds. Those bonds must be paid from a revenue that is derived from sources closely related to highways, such as motor vehicle taxes or motor vehicle license fees. There are no current sources of law that,

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that determine whether general sales tax revenue is closely related to the use of highways. So I have an amendment that we're going to bring, I don't know if we're going to get to it on General or Select, that will avoid the constitutional question by exchanging the source of funding for the State Highway Capital Improvement Fund, from sales tax to motor vehicle fuel taxes and then-- and other revenues that are closely related to highway use. And the sales tax currently funding the State Highway Capital Improvement Fund will then be credited to another NDOT account, which will be used to build highways but not to pay bonds.

**ERDMAN:** OK, so the limit on this is \$450 million, is that correct?

**MOSER:** That is correct.

**ERDMAN:** And then the-- it said also something about \$30 million a year annual debt service. Was that part of it as well?

**MOSER:** I believe it's \$35 million--

**ERDMAN:** \$35 million?

**MOSER:** In one of the amendments. Yes.

**ERDMAN:** OK. I seen it was said 30. I was maybe wrong on that. OK. So in your opinion, where would this most be eligible to be used? Do you have an idea? Do you have a section of your road that you're trying to get finished?

**MOSER:** Well, it's-- the whole bill extends the Build Nebraska Act, and it's done within the Nebraska-- Build Nebraska Act. And that's-- specifically mentions the expressway system.

**ERDMAN:** OK.

**MOSER:** There are some other things that they have spent that Build Nebraska tax on--

**ERDMAN:** All right.

**MOSER:** --but primarily the expressway system.

**ERDMAN:** All right. Thank you. Thank you for that explanation.

**MOSER:** Thank you.

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**ERDMAN:** I was wondering if Senator Linehan would yield to a question as well.

**KELLY:** Senator Linehan, would you yield to a question?

**LINEHAN:** Certainly.

**ERDMAN:** Senator Linehan, LB692 is your bill. And, and I think you're calling it the "Adopt the Good Life transition-- transit-- transform-- Transformational Project?"

**LINEHAN:** Yes.

**ERDMAN:** And that's where anyone who spends up to \$1 billion in investment can get an opportunity to get 2.5-- 2.75 tax-- sales tax return if 20 percent of the business is done from out-of-state individuals. Is that a fair synopsis of what that is?

**LINEHAN:** Yes.

**ERDMAN:** OK. So why do-- why do we need to do this? Isn't it-- wouldn't it be proper that if it's economically feasible, somebody would do this without having to have a turnback tax?

**LINEHAN:** Evidently not, because this has been done in other places. The one I'm most familiar with, though-- I was going to go there this weekend and I didn't-- is at the Legends in Kansas City. And it's more than just retail. We're also hoping for an extension of our soccer fields. So and we've heard about this before because we addressed some of it last year, but we are like a soccer field desert in the Midwest. We have families going from Lincoln to Kansas City for their-- to watch their kids play soccer. We have them going from Omaha to Des Moines. I know a family who their kids have been playing soccer, in league soccer since they were little and they've been going out of state for weekends.

**ERDMAN:** Can you pull the microphone a little closer to you?

**LINEHAN:** Yes. I'm sorry.

**ERDMAN:** OK. The other, the other issue then I have with that explanation is, so are you saying that these people will come here to shop because-- do they pay the full 5.5 percent or do they pay the 2.75?

**LINEHAN:** They pay the full 5.5 percent.

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**ERDMAN:** So how does that draw people here to spend their money here rather than Kansas City if we're charging the full 5.5 percent to those people?

**KELLY:** That's your time, Senators.

**ERDMAN:** Thank you.

**KELLY:** Thank you, Senators. Senator Clements has guests in the north balcony. Students, teachers and sponsors of fourth graders, Elmwood-Murdock Public Schools in Elmwood, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Slama, you're recognized to speak.

**SLAMA:** Good morning, colleagues. I wanted to take a little bit more time to talk about LB96, which Senator Linehan has included in LB727, and also note the good work that Senator Holdcroft is doing with LB580. So this amendment that Senator Linehan is hoping to get read across at some point this morning, hopefully we'll get that done sooner rather than later, contains LB96, which would provide a sales and use tax exemption for twine. And this is a piece of legislation that is modeled after LB941, which I introduced and got passed last year. LB941 exempted net wrap purchase for use in commercial agriculture from sales and use taxes as outlined in Nebraska Revised Statutes 77-2704.36. LB941 was amended into LB984, which did pass unanimously. As currently written, the statute provides a sales and use tax exemption for agricultural machinery and equipment such as net wrap that is purchased, leased or rented for use in commercial agriculture. Twine used in baling of livestock, feed or bedding falls under the category of agricultural equipment that is purchased for commercial agricultural use. To be specific, twine is referred to as the strong string of two or more strands twisted together used in the baling of livestock feed or bedding. LB96 would just make it abundantly clear in statute that twine used in the baling of livestock feed and bedding is in fact agricultural equipment that should be exempt from taxes just like anything else. Additionally, AM64, was also adopted to be amended into LB96, which includes defining and providing sales and use tax exemption for baling wire. So a little bit more color and background on LB96. At the start of 2022, my predecessor's predecessor, former Senator and former Lieutenant Governor Lavon Heidemann, who's been an incredible mentor for me. He's been a wonderful representative of southeast Nebraska, and I'm so grateful to be able to follow in his footsteps. But he gave me a call about an issue that farmers in southeast Nebraska were running into, that they were being taxed on their net wrap purchases when they were



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buying their baling equipment for the season. So we introduced LB941, which passed without any kind of controversy last year. And then at the beginning of this year, our attention was drawn to the fact that we had excluded two other methods for baling hay: twine and baling wire for strawbale-- straw bales. So we included that language in LB96 and also defined twine. I never thought that I would need to define twine during my time in the Legislature, but here we are. LB96 is a bill that is the definition of a consent calendar bill. So I'm very grateful to Senator Linehan for working with me and getting that included. LB580, which is another bill in LB727, eventually, is Senator Holdcroft's bill. And I'd like to take a moment to highlight the great work that Vala's Pumpkin Patch does in our state. When you talk about value-added agriculture, Vala's Pumpkin Patch is it. Thousands upon thousands of people come from across the state and a lot from out of state to visit the best pumpkin patch, in my opinion, in the Midwest. And Vala's has been under increasing pressure with urban sprawl to give up their land, give it up for development. And as we're developing the area of eastern Nebraska, we need to make sure that we're not cutting off our noses to spite our faces, and not killing off one of the great economic drivers--

**KELLY:** One minute.

**SLAMA:** --in the fall-- thank you, Mr. President-- one of the great economic drivers in our state in the fall season, Vala's Pumpkin Patch, in order to have a new parking lot or a new interchange or anything like that. Because this pumpkin patch generates millions of dollars in revenue in our state, and the value of this pumpkin patch is so much greater than anything it could be developed or used for. So I would just really like to thank Senator Holdcroft for fighting the good fight on this and protecting one of our state's most well-known farmers. So that's all I have to say about LB727 for now, and I'll be sure to get back in the queue. Thank you, Mr. President.

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

**JACOBSON:** Thank you, Mr. President. I'd like to speak this morning on a couple of bills. First, I'd like to speak specifically to LB384, which was introduced by Senator Bostar. Again, dealing with sales tax on sale-- on the sale of lease of aircraft. I want to explain a little bit more, having served on an airport authority in North Platte for many years, what really is going on here. When you look in rural Nebraska, the way we fund our airports is a lot of the improvement projects, also referred to as AIP projects, airport improvement

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projects, they're funded 90 percent by the federal government if it's an approved project. The problem is coming up with that 10 percent. Now, if you're in North Platte, we have some revenue because we have regularly scheduled flights that come in to North Platte, as does Kearney and Scottsbluff and a few others. But when you get into other areas of rural Nebraska, one in particular I think of is up in Thomas County. They were fortunate a few years ago to get significant federal funding, which was limited at the time to improve their airport. But there are many airports, rural airports, that are used by private pilots doing aerial spraying, just amateur pilots, and for distressed aircraft that are flying across the state and need a place to land. These, just like roads, need improvement. The sun, the winters that we have here will damage these airports. They need to be maintained. And the only way to come up with that 10 percent right now is generally through property taxes. So many of the smaller airports in my district find that it's very difficult to be able to qualify for the federal AIP grants because they can't come up with the 10 percent. If we look at this particular bill and think about what's done in other industries, for example, boats and ATVs, the sales tax generated from boats and ATVs is turned over to the Game and Parks Commission. When you look at the sale of motor vehicles, the sales tax of motor vehicles goes to the Highway Trust Fund. So it would just make sense that the sales tax that's generated from the sales and lease of aircraft would go into this airport fund where it could be used to help fund that 10 percent for-- particularly for these smaller rural airports who can't come up with that 10 percent. It's a critical infrastructure need, particularly for rural Nebraska. I don't know how many times I've heard stories, particularly up in Thedford, where they've had distressed aircraft, where there was no place to land except for that airport. When the Halsey fire occurred, the Bovee fire last summer, that was really taken over by the feds and they were able to come in there and bring in their helicopters and fixed-wing aircraft and land it there at the Thedford airport to be able to fight that fire. These are critical infrastructure of rural Nebraska. And the only way we're going to be able to maintain these existing airports is to be able to have the funding necessary. There's no better deal that we're going to get than a 90-10. The federal government is going to come in and give us 90 percent of the funding. We still need to come up with that 10 percent. And the only way we can do it otherwise is through property taxes. So I hope this will remain in the bill-- in the bigger package. I think this is important piece of what we're doing. I also want to speak to Senator Holdcroft's bill, LB580. Senator Holdcroft, I would agree with you, it's probably one of the more important pieces. I know Senator Hughes is going to disagree

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with me on that, but because she thinks her bill is more important. But this is a pretty important deal here, Senator Hughes. And I would tell you, just imagine that if you've got land that's been farmland--

**KELLY:** One minute.

**JACOBSON:** Thank you. You've had farmland that surrounds a community and they annex it in, and then you end up having to pay higher property taxes to the point where your property taxes are greater than the rental income you could get from the farmland. It's just, just patently unfair. It needs to be fixed. This is a very, very important piece of just equity and being fair to our farmers that are seeing encroachment from, from larger cities in particular. So I would encourage you to support both this bill with-- particularly with these two components within it. Thank you, Mr. President.

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

**HUGHES:** Thank you, Mr. President. I rise in support of LB727. LB727 contains my bill, LB584 which for the first time imposes an excise tax on vaping products here in Nebraska. The use of e-cigarettes or vaping has exploded among our teenagers and become a growing problem for children even younger here in Nebraska. Vaping has reversed the decades of gains that we have achieved in reducing the underage use of nicotine. Taxation of these products is a step in the right direction of preventing more young people becoming addicted to nicotine. LB584 puts the excise tax of 5 cents per milliliter on devices smaller than 3 milliliters. And there is a 10 percent tax on wholesale price for devices greater than 3 milliliters. The basis for this tiered system of taxation is due to the fact that there are two main types of vaping devices. The first type is smaller and disposable, and these are the ones taxed at the 5 cents per milliliter. The second most common type of device are refillable, and these are taxed as a percentage of the whole-- wholesale price on the liquid. In this case, a 10 percent wholesale. The pages have handed out information on these vaping taxes and what other states are currently doing. And just we've kind of highlighted which ones-- we are actually at the bottom range of what we're asking for. I would like to thank the Revenue Committee and Chair Linehan for including my priority bill as part of this package, which I do think is one of the most important bills in this package, Senator Holdcroft and Jacobson. And I'd like to note that in addition to being voted out by the Revenue Committee, 8-0, LB584 is the lone revenue-generating bill in this total package. We amended LB584 when it was reported out of the committee to include the two-tiered system

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of taxation. So the fiscal note currently sitting on LB584 is a little low. Once we have a new note on LB727 after we advance LB727 to Select, we will have a better sense of how much revenue it will generate. Based upon rough numbers with the two-tiered system, we conservatively estimate that it will raise over-- around \$10 million over the next four years. Mr. President, I urge my colleagues to vote green on LB727, and I yield the balance of my time to Senator Linehan. Thank you.

**KELLY:** Thank you, Senator Hughes. Senator Linehan, you have 2:35.

**LINEHAN:** Thank you, Mr. President. So I'm going to finish up where we ran out of time when I was talking-- or having a dialogue with Senator Erdman. One of the-- so one of the testifiers at the hearing on this was-- OK. Sorry. Robb Heineman, who is a co-owner, co-owner of Sporting KC. He's very involved in soccer. And one of the things that this project would change is we would have more soccer clubs having tournaments in Nebraska, instead of families from Nebraska driving to Des Moines, Kansas City, Minneapolis, Denver. I don't-- I know of one of all the state championships for soccer that are going on right now. We have Omaha South and Prep are playing tonight. I've been watching Prep because I have a family that I know that he's playing. Skutt and Norris played last night. I think Skutt won because poor Norris player missed a field goal. We have Gretna and Southwest played. We have Lincoln Southeast. We have Lincoln Southwest, Columbus, Gretna, Papillion, La Vista. 32 high school teams played in a soccer tournament over the last few days, and I think it ends tonight. I don't know for certain, but I would guess that most of those kids playing on those soccer teams have been playing since they were eight or nine years old.

**KELLY:** One minute.

**LINEHAN:** And they've been playing club soccer. And their families have been getting in a car with their siblings and driving out of state to play soccer. It's a huge loss to our state. And we did improvements last year. We got soccer fields, there's some in the La Vista, there's some in Valley, but we still aren't big enough to have enough fields for these huge tournaments. So this would be, to Senator Erdman's question, why would they come here? That's one reason they would come here. They would come here because of the shopping that will bring-- the only-- the retail-- it only qualifies if it's new to the state. So it doesn't mean that somebody can-- it has to be new-to-the-state retailer. IKEA, everybody knows IKEA, I think. That would be one that

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they would try to get. Yes, I know young people love IKEA. So I am-- I really think it's hard to--

**KELLY:** That's your time, Senators.

**LINEHAN:** Thank you.

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

**HARDIN:** Thank you, Mr. President. I stand in support of LB727, not fond of the IPP. But I would yield the rest of my time to Senator Erdman, if he would like to have the time.

**KELLY:** Senator Erdman, that's 4:45.

**ERDMAN:** Thank you, Senator Hardin. I appreciate that. Thank you, Mr. President. So in my conversation earlier with Senator Linehan and, and her explanation of LB692, it is peculiar, I should say in the least, that we are always looking at ways to eliminate things that we collect sales tax on. And when the voters of the state in 1966 voted no more property tax for the state, which was their only form of revenue, the next legislative session, the Legislature implemented sales tax and income tax, which we had never had before. And at that time, almost everything we sold in the state we collected sales tax on. Case in point, when I was running for the Legislature back in '16, one of my opponents was a business person in Sidney and he was in business in '67. And he said when they originally put sales tax in place, everything sold in the city of Sidney, 96 percent had sales tax associated with that purchase. 96. And seven years ago, that number was down to 46, 46 percent. We've exempt 50 percent of everything you used to sell in Sidney and collect sales tax has now been exempt. So how you make tax fair, you broaden the base and lower the rate. So if we want to make a difference in the state and we want to make a difference in the economy, we have to take our foot off of the throat from the economic driver, and that is income and property tax. And so exempting another entity from sales tax, decreasing the base, what would be there, doesn't make sense. And so those other people in that same area where they're going to build these facilities, they don't get to take any advantage to this 2.5-- 2.75 sales tax kickback. It's another example of the state picking winners and losers. We have the ImagiNE Act, which does the same thing. We have TIF, which does similar. So we have all of these things that we do in the state of Nebraska, because for 55 or 56 years we've understood that our taxes are too high and we keep putting a Band-Aid on an amputation. And then we restrict things that could have sales tax collected on if you have

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\$1 billion. So anybody who has \$1 billion in those communities or those counties that have 100,000 play at a different level than the rest of you who are in business. You tell me if that's not picking winners and losers. But we've got to remember, we have to do this because Missouri does it. We have to do this because other states do this and we have to be competitive. How about this? How about we fix our broken tax system in its entirety and then we wouldn't have to continue to do all of these things that we do every year trying to figure out how to entice someone--

**KELLY:** One minute.

**ERDMAN:** --someone to come here, build something or start a business. But we're not interested in fixing the system. We're interesting in continuing to do what we've always done and expect different results. If you think this is the last one of these opportunities you're going to hear in this body, you're wrong. They will continue and they will continue until we actually fix the broken system. But we're not willing to do that. And so we'll keep doing what we've been doing for years and years and expect different results. You figure out what that definition is. Thank you.

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

**DeKAY:** Thank you. Thank you, Mr. President. This morning, I rise to support LB727. I do oppose the IPP. We have already talked a lot about LB384, LB580, LB96, and LB584. Those were four of the bills that were of high interest to me. So with that, if she would like it, I would yield the rest of my time to Senator Linehan.

**KELLY:** Senator Linehan, that's 4:25.

**LINEHAN:** Thank you, Mr. President. And thank you, Senator DeKay. So I'm going to go back to other things, other bills that are included in LB727. Is Senator Briese-- would he yield to a question, please?

**KELLY:** Senator Briese, would you yield to some questions?

**BRIESE:** Yes.

**LINEHAN:** This is very timely, Senator Briese, because I'm getting texts asking me what this bill does. So could you explain what this bill does?

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**BRIESE:** Sure. My, my provision in here was originally LB-- LB495, and LB495 deals with the Nebraska NEST 29 program. And it really makes it more attractive by allowing penalty-free rollovers of unused 529 plans to Roth individual retirement accounts starting in 2024, which is in line with the federal changes. And this change really is designed to relieve account holders' concerns about overfunding their NEST 29 account plans. But again, this has to be in line with federal rules to that effect. And I think it can't be a rollover of contributions made to that account within the most recent five years. There's an annual limit on that. There's an overall limit on it, and there are several guidelines really outly-- again, it's tied to the federal guidelines in that respect. That, in a nutshell, is what it does.

**LINEHAN:** OK. That helps because I think I understand why the confusion was. There was another bill, it was in the income tax bill that dealt with 529s, where we would allow them for K-12. That went away with an amendment, wasn't that right, Senator Briese?

**BRIESE:** Yes, that is true. This is something completely-- the same program, but a completely different issue.

**LINEHAN:** So this would be if I put-- I could be so lucky-- too much money in a grandchild's 529 college plan. Then when the child gets all scholarships, let's say, and they don't have to pay for college, maybe we could get that lucky, then they could use that money to put into their IRA. Or is it to the donor's IR--

**BRIESE:** Into the, into the beneficiary's IRA. Good point.

**LINEHAN:** So it would set them up good for retirement, if they were lucky enough to get through college without spending it all?

**BRIESE:** Yes, very true.

**LINEHAN:** Thank you, Senator Briese. I appreciate that. Next, Senator Hughes has already talked about her bill. Senator Conrad. Is Senator Conrad available?

**KELLY:** Senator Conrad, would you yield to some questions?

**CONRAD:** Yes, absolutely.

**LINEHAN:** Sorry, I didn't give you a heads-up, but I know you're very well prepared because you already talked about your part of the bill. Your part of the bill was originally LB697, is that right?

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**CONRAD:** That's correct, yes.

**LINEHAN:** And can you-- I know some people-- I think there's more people here now than when you first talked about it. Would you kind of explain what your original intent and what's in the LB727 does?

**CONRAD:** Yes. Thank you so much, Senator Linehan. And just wanted to reiterate that my original bill, LB697 also had similarities with LB213, introduced by Senator Slama, and LB756, introduced by Senator Vargas. Each of our measures touched upon the Nebraska Main Street Revitalization Act and made--

**KELLY:** One minute.

**CONRAD:** Thank you, Mr. President-- made a variety of adjustments. The, the primary components being extending the sunset date, addressing functionality in terms of the match and ensuring things like reporting while also having tighter caps overall and exclusions for single-family homes, et cetera.

**LINEHAN:** Thank you, Senator Conrad. I will yield the rest of the time back to the Chair.

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

**SANDERS:** Thank you, Mr. President. Good morning, colleagues. I would like to thank Senator Linehan and the Revenue Committee for their work. One of the bills, AM1396, is my bill, LB4. This bill would make a small adjustment and cleanup language relating to the homestead exemption application process. This concept was introduced as LB1080 during last year's session. While it passed the Revenue Committee on 8-0 vote, the Legislature ran out of time to discuss it. LB4 changes the homestead exemption application for permanently and totally disabled veterans so that they can apply every five years instead of every year. This makes the application process more veteran-friendly to account for those who are permanently-- who are permanently disabled and makes it difficult to refile for exemption every year. LB4 has also, has other technical provisions, including fraud deterrence, and where fees and penalty funds will go. To be clear, this bill does not expand the eligibility for homestead exemptions. This merely adjusts the application process. This bill was introduced to the Revenue Committee on January 26 and it passed on an 8-0 vote. AM1396 includes the provisions for a compromise with the Nebraska Association of County Officials to ensure that applicants who apply in



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this manner do so at the same five-year intervals as all other applicants. This simplifies bookkeeping for the counties, and there is no fiscal note. Again, I thank Senator Linehan and the Revenue Committee, and I urge your support on AM1396 and LB727. Thank you, Mr. President. I yield the rest of my time.

**KELLY:** Thank you, Senator Sanders. Senator Brandt has guests in the north balcony, 54 fourth graders from Wilber-Clatonia school in Wilber. Please stand and be recognized by your Nebraska Legislature. Senator Kauth, you're recognized to speak.

**KAUTH:** Thank you, Mr. President. I rise in support of LB727 and opposed to the IPP. The Revenue committee heard many, many bills that did not make the cut for this package. Every one of these bills that are in LB727 came out of committee 8-0 with work and modifications being done in committee. These bills make good government changes to improve our state. And I'd like to reiterate on a couple of them. LB692, The Good Life Districts. As the parent of kids who played baseball, I can attest to the fact that we do not have in this state the type of facilities that will attract teams from out of state. We would travel virtually every weekend during baseball season, sometimes Council Bluffs, but other times Des Moines, Colorado, Kansas City, Minnesota. Always leaving the state, always spending quite a bit of money because we had to get hotels, we had to go out for lunch. We had other kids we were bringing along with. There's a lot of money being spent. And if we can do something to bring some of those here to this state, I think we would be very, very well-served. LB447 adds professional firefighters to a health insurance tax credit and tuition waiver and adds law enforcement and firefighters' dependents to tuition waivers. That's really critical right now. Across the country, we are seeing declines in recruitment for both firefighters and the police forces. We need to make sure our law enforcement knows and understands that we support them and that we will recruit the best of the best. This is just one way to do that. Our university did a really good job of working with Senator Bostar to make sure that this worked out well. LB505 takes a look at the tax deed certificate-- certificate system. Very early on in the session, I was contacted by a woman named Joy who had lost her home due to the tax deed certificate system. It was a really sad story, the Nebraska Examiner went on to write an article about her. And currently, this issue is being taken up in the Supreme Court. This is something that we need to make sure that our law is going to be reflective of what the Supreme Court is going to decide. Senator Bostar worked very, very hard to make sure that this bill will still support the businesses who do this as a business, but not rob people of the entirety of their equity that they've built into

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their home. And then the last one that made a huge impact when they came and testified, the city of Kimball brought, I think, every single person from the city, talking about LB100, which basically just changes the provisions of the Imagine Nebraska Act to include waste treatment and disposal. That was one of the industries that was not included, and it will give them significant benefits. And they have a very large facility out in Kimball and they are growing very, very quickly. I think it's important that we make sure we look at industries across the state and support them as they grow. And I yield my time to Senator Linehan, if she would like it.

**KELLY:** Thank you, Senator Kauth. Senator Linehan, that's 1:55.

**LINEHAN:** OK. Senator Murman, are you available?

**KELLY:** Senator Murman, would you yield to some questions?

**MURMAN:** Yes.

**LINEHAN:** I'm sorry, a short time here, but maybe we'll come back to it. Could you explain what LB704 that's currently now in LB727 does?

**MURMAN:** Yes. LB704 has to do with Enable accounts. And these accounts are used for disability-related expenses without impacting resource-based benefits such as Supplemental Security Income or Medicaid. And an Enable owner, when they pass on, this would allow them to give \$5,000 or less that's in an Enable account to another beneficiary. So it, it would not-- the account would not have to go through probate. It would--

**KELLY:** One minute.

**MURMAN:** --save a lot of expense that way, and it's limited to a \$5,000 or less.

**LINEHAN:** Thank you, Senator Murman. So I just, since we only have a minute, repeat-- I think I understand. So you have these accounts to help pay for expenses for a disabled child, that doesn't affect other benefits that they get by law. And if there is money left, \$5,000 or less left in the account upon their death, that money can be disbursed to their family without going through probate and court?

**MURMAN:** Yes, that is correct.

**LINEHAN:** Thank you, Senator Murman. Thank you, Mr. President.

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**KELLY:** Thank you, Senators. Senator Murman, you're next in the queue and recognized to speak.

**MURMAN:** Thank you, Mr. President. Another bill that I have in the package is LB809, which increases tax credits available under the Nebraska Advantage Rural Development Act to \$10 million annually. This amount is currently \$1 million and it's distributed quickly on a first-come, first-served basis. I have heard that Milk Specialties, a dairy processor in Norfolk, could be a beneficiary of this project. They have a expansion going on there. And there are other dairy processors that-- or at least one that is, has a high likelihood of being located in our state. And with both this expansion at Dairy [SIC] Specialties and the possible other dairy processor locating in the state, there'll be a lot more demand for milk production in the state of Nebraska. We would rather have that milk produced, especially in Norfolk, in Nebraska, and, and reduce the amount that's imported from South Dakota or Iowa. We would-- it would be much more beneficial to the state to have that milk produced in Nebraska. And then if the other plant is located also in Nebraska, a big plant, it will have a demand for, I believe, almost doubling the amount of milk production in the state. And to ramp up that much production quickly, this bill would incentivize dairy farmers to increase the size of their herds or also farms to come into Nebraska, possibly from California. There's, there's dairy farms being forced out of California because of the population there and the environmental regulations and so forth. So we have an opportunity to locate those in Nebraska-- some of those in Nebraska. Also in Colorado, if they run out of water or have a limited amount of water available there, it would be a possibility that some of that production could be moved into Nebraska also. This funding, the qualifications for it, are being reduced so that counties of less than 15,000 population or less than 25,000 populations have lower qual-- qualifications to-- for livestock producers or dairy producers to qualify to obtain these tax credits. There is also a, a agricultural processor that will possibly locate in District 38. And we're in competition with Kansas and South Dakota for that processor. It's-- this one is not a dairy processor, but it's an agricultural processor. With this incentive, it would make it much more likely that that processor would locate in Nebraska rather than those other states. The Nebraska Advantage Act with this rural advantage part of the development, Nebraska Advantage Act makes this funding available for--

**KELLY:** One minute.

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**MURMAN:** --Greater Nebraska-- thank you, Mr. President-- and the Third District. So this bill is very important for value-added agriculture, which is very beneficial for everyone in the state of Nebraska, both, you know, through taxes and just through further economic activity in our state. We have the crops available, the water available, livestock available. It works very well for the expansion of value-added production in our state. Thank you, Mr. President.

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

**CLEMENTS:** Thank you, Mr. President. I'd like to review some of the bills that are of importance to me. And if I'm repetitive, I apologize. I had a couple of schools from my district I've been speaking to and just came back in. Number one, one bill that I have in the package is LB97. Last year, I had a bill that changed the rates on inheritance tax and the reporting of it wasn't quite what we wanted. So this year it's regarding inheritance tax. There's no change in the rate. But what the counties report to the state is important to us so that we can track better how that tax is performing. There are different tiers and categories of inheritance taxpayers, and this will clarify what the amount of tax is coming to each county. And then the next one I want to-- I noticed that LB100 from Senator Erdman is in here to allow a company involved in disposal to qualify for incentives. And I was out in Kimball a year ago visiting a company that does that. And I believe they were going to expand by about \$200 million, but they were not eligible. And I support their eligibility as they're bringing a lot of economic development and employees to that area. And I also support "preserve the third," as we say. Then LB384, regarding the airport sales tax, using sales tax on aircraft for airport construction. I looked at the fiscal note, that's going to reduce our General Fund revenues by \$1.3 million, the first year. \$1.5 million the second year. About \$2.95-- almost \$3 million of lost revenue that will reduce our bottom line in the state budget. But that will allow for about \$30 million worth of airport construction with the 9 to 1 federal match. And every year we do have requests for general funds from the Department of Transportation and Aeronautics. And general funds are always precious as far as spending them. But when we get a multiple of that sort, I like to see that. So I'm supporting the LB84 tax-- airplane tax to be used for airp-- airport construction. Number LB505, the one that's labeled "stopping home equity theft." I had-- as a small-town banker, I had recently a elderly farmer in his eighties who was-- he and his wife having medical problems and they were unable to pay the real estate tax. An investor bought the taxes for three years and the couple, they were in

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the hospital or in doctor visits and were not paying attention to their mail. And the 80 acres they owned for years and years was sold to the investor. Suddenly they didn't own their own house they lived in, and they ended up having to buy an acreage back from the investor. And the investor kept the farmland and they just got an acreage and lost the value of 70 acres. You know, a \$500,000 loss probably.

**KELLY:** One minute.

**CLEMENTS:** Thank you. So I do support that the investors-- we need to keep attracting investors so the investor does get to keep the 14 percent interest and the cost of the sale, because we do need investors to buy those so the county taxes are collected. Finally, on the back on the green sheet today, you'll see there's \$891 million of excess funds. And I am glad to see a big number like that. This is going to use up some of those, but I would really hope that we carry a couple, \$200 or \$300 million to the future biennium, not spend all the \$891 million you'll see on the bottom of your sheet. But I do support most of the tax bills, and I'm glad to hear that they're going to be adjusted to make sure that they're sustainable. Thank you, Mr. President.

**KELLY:** Thank you, Senator Clements. And Senator Clements has some guests both in the north balcony and under the south balcony, fourth graders from Louisville Elementary in Louisville, Nebraska. You are welcomed by the Nebraska State Legislature. Senator Hansen, you are recognized to speak.

**HANSEN:** Thank you, Mr. President. I'd like to discuss a little bit of AM1396. I do have a bill in there, LB529, I'd like to talk a little bit about and explain a little bit more in detail. LB529 is a bill to clean up the pink postcard bill, some of you might remember that we passed a couple of years ago and went into effect last year. My opinion and among the opinion of many others, it was very successful, with thousands of people showing up to the hearings across the state, and many learned about the budgeting process. And we didn't want to bring too many changes until we were able to give this a few more years to play out and get a better understanding of what worked, what didn't work, how we can improve upon it. However, this year we did make some-- we were hoping to make some of the following changes to help with the clarity and also to give more time for elected officials to change the proposed budget after the hearings if necessary. So with that, LB529, some of the changes that we made. One of the bigger ones at the request of the schools was to clarify that a property tax request in this context would exclude bonds issued or authorized by

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the school district. Last year this caused some confusion because some school districts included bonds in their property tax request amount, while others didn't. The programming for tax statements has school bonds listed as a separate authority. And this makes sense as there are not every bond will apply to every resident of a political subdivision. So I decided to keep things simple and exclude the bonds. Also, at least on the behest of many of the people who attended the hearings, they wanted at least one elected official present at the joint public hearing. Typically when we-- when people discuss their budget, you know, you know, their revenue, their expenses, went through the process, typically they were like the superintendent, a city administrator, county administrator. And so I think a lot of people felt like they really wanted to have somebody that they elected up there in the front listening to them. And so that was one of the changes we made in this. A county also, who has a population of more than 10,000, will need to post the hearing notice on their website, on the homepage of the website, and also their budget, from my understanding. No, just the notice of the, of the website-- on the website, excuse me. Also a big one that we heard from both political subdivisions and people was the timeline. So with that, this does update the timeline. September 4 would start the postcard process instead of September 10. The hearings could be held September the 17th through the 29th last year. The budget is due September the 30th, so it made a difficult change-- to change the budget if it was needed. This bill would require the hearings to be held from the 14th to the 24th, and this would allow six days to amend the budget if needed. On the fifth page, LB529 gives us some guidance for what information will be gathered at the hearings to help us know how effective truth in taxation legislation is. It requires the name of each political subdivision, the real growth value, the percentage of the amount they seek to increase their property tax request, and the number of individuals who signed in to attend the joint public hearing to be recorded. So you can see a lot of these changes aren't monumental. They're not huge. A lot of them are kind of mild to moderate in nature, but as a whole they help improve the process of the pink postcards, make it more efficient and effective, get the information out there to the public that we, that we can and help keep them informed. So with that, thank you, Mr. President.

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

**BRIESE:** Thank, thank you, Mr. President. Good morning again, colleagues, I spoke briefly with Senator Linehan about my provision in here, which was represented by LB495. And again, LB495 and as reflected in this, in this bill would allow the penalty-free rollover

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of unused 529 plans to Roth individual retirement accounts. And, and why is that provision important? You know, for example, a beneficiary might decide not to attend college. They might receive a full ride or other significant scholarship and financial help, or they might attend a school or program that has a lower-than-expected tuition. Previous you-- previously, if you were saving for that beneficiary to attend college, but they ended up never enrolling, that would trigger a 10 percent penalty and you would have to pay income tax if you wanted to withdraw from the account. But with the passage of this provision in these scenarios, the excess NEST 529 funds can be who-- used to help the beneficiary with saving towards retirement. And really this provision can make NEST 529 accounts a more powerful saving tool, especially for parents who are interested in helping their kids begin saving for retirement. It will help lift some of the burden from an account holder looking to support a beneficiary, both in their higher education goals and in retirement if necessary. And I also wanted to speak to a couple other provisions in this bill, in particular, the first one, Senator Holdcroft's LB580. And that's an extremely important provision in here. Because without this provision, without Senator Holdcroft's LB580, to be valued as ag land, property had to be outside of city limits. So we heard from a fellow at the hearing on this provision with a 117-acre farm that was annexed into Gretna, so it was no longer valued as ag land. So now he's taxed at three times the amount of his rent. And I believe he indicated that his tax-- property tax on his farm was \$528 per acre. And as you well know, that doesn't work for anybody. The status quo, essentially depri-- was going to deprive him of his property. He'll be forced out of his property, it would seem to me. And this language is sorely needed by folks like him and many others in similar situations. And so I thank Senator Holdcroft for bringing this. It's a very important piece of legislation. Also, I also want to thank Senator Slama for bringing her LB96. You know, really, the ideal sales tax is a one-time tax on a retail/consumer transaction. We should always strive not to tax business inputs, business expenses. But unfortunately, I think it's roughly 40 percent or over 40 percent of our sales tax base really are business inputs and business expenses. And so any time we can shift the sales tax base away from business expenses, business inputs, we should definitely consider it. And Senator Slama's bill is one small step we can take in that direction to make a better sales tax base. And with that, I would yield my time, Mr. President. Thank you.

**KELLY:** Thank you, Senator Briese. Senator Bosn, you're recognized to speak.

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**BOSN:** Thank you, Mr. President. I rise in opposition to the IPP motion and in favor of LB727. In looking through the bill and also the handout that was provided to us this morning, it's clear that they worked hard on this package and there are a lot of important features to this. Among them, I told Senator Linehan that my family plays a lot, played a lot of soccer. Growing up, we did travel out of state for those games all too often. For the record, it was not me participating in the sport. I was not good at soccer, but my family did have two soccer players. We went all over for tournaments for the very reasons that she's highlighted in this bill. So you go to Colorado, there's shopping there. There's things to do there. There's really nice facilities. Same with Kansas City, South Dakota, Iowa, Minnesota, places like that. So the intention of this bill is, is certainly met with the language that she's crafted here. And so for those reasons, I would support that. Mr. President, I would yield the rest of my time to Senator Linehan.

**KELLY:** Thank you, Senator Bosn. Senator Linehan, that's 3:50.

**LINEHAN:** Thank you, Mr. President. And thank you, Senator Bosn. I can't speak to it better than Senator Bosn or Senator Kauth, that actually lived these experiences, because I didn't have a soccer player. I don't even know if-- I don't think club soccer-- maybe it was and I just didn't have my children involved in it. But I know that it is certainly a huge deal now. And I also know I'm very lucky. I live not quite in Elkhorn but outside the city limits of Elkhorn and Omaha, actually. I'm in SID, and it's goes up pretty close to the river. So I drove-- when I come to work, come to the Capitol, I go by Nebraska Crossing. I go through-- I don't-- I'm south of Center, so I, I have watched since I've lived there, and I haven't lived there even ten years yet, I have watched on the mile and three quarters to my house from 204th Street there were two houses. There are now five subdivisions. And I think yesterday which-- Mother's Day we went to Mahoney Park. And I-- there are still three or four fields between Center Street and Gretna that aren't getting turned-- they will have crops in them this year, but most of it is all cement and culverts going in and getting ready to build more subdivisions. And there's going to be some retail along that. I don't think we have any idea of how much potential there is to keep people in Nebraska playing soccer, bring people from outside of Nebraska to Nebraska to play soccer, and how much new-to-market retail would be involved. And in the long run, this is a huge win for Nebraska. We've always, since I've been here, we've talked about the three legs of the stool. We have property taxes are too high, income taxes are too high. Sales tax, not too high. It's about average for the country. I'm not saying that the rate should go



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up, but we don't-- we're losing sales, huge amounts of sales to retailers that aren't in Nebraska. So I-- I'm here to answer any questions on that. I've got more information here, if you want to talk off the mic to me. But with that, I would yield the rest of my time to the Chair. Thank you, sir.

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

**MOSER:** Thank you, Mr. President. I'd like to take this opportunity to talk about my part of this bill. I'm in support of LB727. It has a number of bills included within it, and one of them is LB706. And it's a bill that seeks to authorize the issuance of bonds not to exceed \$450 million in principal and \$35 million in annual debt service under the Nebraska Highway Bond Act. It's in Section 39-2209. In order to accelerate completion of the highway construction projects identified by the Build Nebraska Act, which was LB84, sponsored by Deb Fischer in 2011. Additionally, the bill seeks to extend the sunset date of the Build Nebraska Act from 2033 to 2044 so that the Department of Transportation can rely on the revenue stream to pay the debt service on the bonds. So it has a multiple-clause effect on roads. First of all, it allows the Department of Transportation to bond, to build roads in a more efficient manner, larger sections over more time. If the Lincoln South Beltway was built the way that Highway 30 has been constructed from Schuyler to Fremont, you'd get about to 48th Street or so and you'd hit barricades. I drove on that beltway Sunday and it is very nice. I, I am happy to see it done. But I think that bonds would help accelerate the Nebraska expressway system. We started that in, I think, '84-- '88? Anyway, and the deadline is supposed to expire in 2033. But 2033, in the way that the Department of Transportation works is that deadline is screaming up upon us. And it doesn't make sense to have bonds of a length longer than your revenue stream would be able to pay back. So that's kind of the reason for the extension of the Build Nebraska Act. I'm really grateful to Senator Walz who brought this bill and another bill, similar bills in previous years. LB542 was one of her bills that both Senator Flood and I signed onto. We weren't able to get those-- that bill passed, but this is basically her bill with a few enhancements. And then there is one question that several have asked about: the constitutionality of using sales tax to pay bonds back. And the amendment that we will offer on this will add some language that will clarify that the bonds are to be paid back from the taxes that are closely associated with building roads. And then the sales tax will be funded to another Department of Transportation account to help backfund those. But that's a, a way of

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clarifying that those bonds are to be paid from fuel taxes, license fees and other rev-- revenue sources closely related to highway use.

**KELLY:** One minute.

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

**KELLY:** Thank you, Senator Moser. Senator Bostelman has some guests under the south balcony, seven members of the Parliament of the people-- of the Republic of Kenya, who will serve on the budget and appropriations committee there. Please stand and be recognized by your Nebraska Legislature. Senator Blood, you're recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand opposed to the IPP motion and in favor of most of LB727. And just for clarification, I have already discussed these issues with Senator Linehan, so this will not come to-- as, as a surprise to her. And I also feel confident, based on many of the, the things that need tweaking in the bill, that we'll see changes between General File and Select. And I'm hoping that what I talk about now will be one of those changes or at least part of those changes. So I was really disappointed when Senator Sanders and Senator Holdcroft stood up to talk about their bills, but didn't talk about the concerns that have been expressed to us from the Sarpy County leadership outside of Gretna. And their concern is about the LB-- can you please stop talking loudly? [GAVEL] The LB692 part of the bill, there are concerns from some of the leadership within Sarpy County. And I know you received a letter from the committee in reference to it as well. And here are some concerns that I think are negotiable. I don't feel confident that we'll get all of this, but I'm hoping that we will get some of this. And I know that the fiscal note will change things as well, as to what we'll be able to do and not do. And so one of the things is that we're concerned about, there, there doesn't seem to be a really good performance indicator. I know there was a public hearing and that people came to speak on the bill itself. But once the bill is implemented, because we are doing a cash cow kind of thing again, which we've done so many times this year in reference to big business, I think it's really important that there is some kind of annual or biannual performance indicator. How can they let us know that this process is working and that it will serve Nebraskans well as to how we use the funds that they give us to take care of. And then we want to make sure that they match minimum wage across the state. We know there's a workforce shortage and we know that what people are paid are part of that. Now, Senator Linehan said something really spot-on to me when I was discussing this with her, which is that if you want to hire

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people, you pretty much have to be competitive with wages in Nebraska because there are so many job openings and so few people trying to work. But I don't see any problem with actually asking for that, saying that it is our expectations that if we help you be successful in Nebraska, you help our citizens also be successful, to make sure that they can pay their bills and care for their families. And then, excuse me, one of the asks that we have contemplated in Sarpy County is that we want to know why all new retail can't receive the same tax exemption and not just Gretna. Because new retail, and I'm not talking about business expansion that would come to Nebraska, that would be kind of a great thing. If we were-- we want to grow Nebraska, don't we want to grow all of Nebraska? And Sarpy County, by the way, friends, is your fastest-growing county in the state of Nebraska. Now, I like that they set the benchmark for the out-of-state sales at 20 percent. But how about 30 percent? So those are kind of the negotiating, the springboard that Sarpy County has. It is my job to speak for the leadership and the citizens of Sarpy County. And I know that we are on a fast-moving train with like 30 railroad cars, I think, now, on this bill. I haven't counted yet, but I know there's a lot. It might even be more than Senator Slama's bill from Banking and Insurance. Which I never, ever, ever, ever thought I would see in my seven years. But this year is unique. But I just want to make sure that--

**KELLY:** One minute.

**BLOOD:** --we don't ignore the voices of our fastest-growing communities to compensate for one community. I just want to make sure we're being fair and equitable, and I'm hoping that we can have this discussion and you'll see that we do have an amendment later, and that is so we can have this discussion. Thank you, Mr. President.

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

**von GILLERN:** Thank you, Mr. President. I was going to speak on LB491, and I might get to that before I wrap up, but I want to address a few things on LB692 first. And thank you, Senator Blood, for taking the time to go through and comment on some of the aspects of LB692. And some of the things you mentioned are, I believe, are already covered in the, in the bill, but others certainly could be considered for improvements or changes. There are-- my understanding and my reading of the bill is there are performance indicators in the bill, and those performance indicators really is the reporting on the retail sales to the state of Nebraska Department of Revenue. And there's a pretty extensive reporting mechanism that's required in order to ensure that

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the goal of LB692 is met. And that is to-- and not, not-- you know, primarily to increase sales and increase sales tax revenue for the state of Nebraska, but to really increase the amount of dollars that are coming in from out of state. And that's new income that we wouldn't achieve otherwise. And there's been some argument saying, hey, aren't we robbing from other existing retailers in order to do this? And I don't see that as the case because, first of all, these will be primarily tourism opportunities. And we haven't talked a lot about the tourism, but that is an element of it. And Senator Linehan spoke about the sports tourism, but also the economic tourism that, that will occur. I know that when people come from out of state or from other parts of our own state and they come to town, sometimes, sometimes the kid will be at the soccer game and, and mom will be at one venue shopping and dad will be at Cabela's or another venue or Scheels. So I know that this is an opportunity that presents itself under LB692. In a quick look at the amendment that Senator Blood offered and that she has not mentioned yet, is the biggest change that I see in Senator Blood's amendment is that it would remove the, the disallowment for racetracks and for gambling. And this, this bill was never intended to expand gambling. It was never intended to include gaming within that, within the, the motivation or within the economic incentives of LB692. And I know that that is a desire of some of the, some of the areas that Senator Blood represents. And I certainly respect her for representing her constituency well, but that's not the primary motivation of this bill. It's to bring families in from out of state. It's to bring dollars in from out of state and increase the sales tax revenue. Back to a comment that was made. Senator Erdman and I were having a lively conversation about the best way to tax things in Nebraska and discounts on sales tax. But it, it occurred to me, and I neglected to point out to him that this LB692, if implemented, costs the state of Nebraska nothing. There is the-- there is a fiscal note on it, and I believe it said that it would require maybe half of a clerk's time in order to track the dollars and track the sales tax revenue that is submitted and to ensure that, that all of the elements of LB692 are followed. But it doesn't cost the state anything. And it's estimated that the new development, which again I want to reiterate, would cost \$1 billion to build, so there's an incentive there for the state already through jobs and through materials, through construction and everything that would occur within the state just to get the facility constructed. But it's estimated that the revenue once up and running would be around \$800 million per year. So I was playing with the numbers. If I just factored that down, let's just say it's \$500 million a year and the state gets 2.25 percent of the sales tax in that--

**KELLY:** One minute.

**von GILLERN:** --in that-- thank you, Mr. President-- of those sales. Those total-- that total sales tax revenue is \$11.25 million. Twenty percent of \$500 million at 2.5-- or 2.25 percent, 20 percent of that coming from out of state, which is \$2.25 million. This is new money coming into the state coffers that wouldn't be coming in otherwise if this is not constructed. And then the question becomes, will they build it without the state incentives? And the-- what we're being told is that no, that they won't. This is again, it's a, it's a, it's a duplicate-- not a duplicate, but it mirrors of a, a site that was constructed in Kansas City that many of us of attend have been to. That's got Great Wolf Lodge and the Nebraska Furniture Mart and IKEA and the racetrack. And that has been so successful in Kansas City that they have now renewed that program for another 30 years. And I assure you that the, the Department of Revenue, that the legislature down there would not have done that--

**KELLY:** That's your time.

**von GILLERN:** --had it not been phenomenally successful. Thank you, Mr. President.

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

**DOVER:** Yeah, I rise in support of LB727 and oppose the IPP, and yield my time to Senator Bostar.

**KELLY:** Senator Bostar, you have 4:50.

**BOSTAR:** Thank you, Mr. President. And thank you, Senator Dover. I just want to take a moment to, to talk more about the provisions of the bill that relate to sort of the reform measures that we are putting in place related to tax sales on property. And I thank Senator Kauth for, for talking about this already. And so for some background, there's, there's a number of reasons that we're pursuing this. One of which is that there's a case before the U.S. Supreme Court that is based on the analys-- the analysts that follow the court and the docket. It, it-- the expectation is that the method with which we execute tax sales in the state of Nebraska will become unconstitutional. And it's imperative that we don't put the state in a position where we do not have a mechanism in place, a legal mechanism in place to handle either the delinquent payment of taxes or the nonpayment of taxes. I think for obvious reasons, these funds are essential for sustaining our

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government and our services that citizens, citizens of Nebraska rely on. So the core of the case, it's my understanding is it relates to the takings and the idea being that property cannot be seized without just compensation. And currently, our system falls short of that. In the state of Nebraska, your property can be seized without just compensation. The equity within your property, your home can be taken from you. In theory, if you were to be short \$1 on some property tax payment, given enough time, your home could be taken away from you and you wouldn't be compensated for its value minus what you owed. And that's the root of what is being debated in the court. So we are proposing a new system that would not permit a potential windfall, where a minor tax delinquency could result in a major financial loss. The reality is, a lot of the times that these cases happen, the individual doesn't know that they missed a tax payment or their payment was insufficient to cover the full tax liability that was outstanding. And perhaps they didn't get the notices informing them that that was the case. This very often impacts the elderly--

**KELLY:** One minute.

**BOSTAR:** --thank you, Mr. President-- who may not be living in their home. Maybe they're at a care facility and the notice is being sent to their house telling them that their taxes are delinquent, aren't being received, aren't being handled, aren't being addressed. And so eventually, their home could be seized. And so we're going to try to do everything we can to avoid cases like that from happening. A couple of ways. One is which we will require personal ser-- [INAUDIBLE] to be effectuated in all cases that an administrative sale on property such as this would take place so that individuals would have to be aware of the fact that this is ongoing, that there is outstanding tax liability that is owed. And the other way is any equity that is captured in this process would be returned--

**KELLY:** That's your time, Senator.

**BOSTAR:** --to the previous homeowner. Thank you, Mr. President.

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

**DORN:** Thank you, Mr. President. Good morning, everyone. First off, I would sure like to thank Senator Linehan and her committee and everything for having the meeting we had this morning to go over all the explanations of LB727 and then that packet, the handout that we had, so it shows a little bit of kind of which ones have amendments

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and which ones are going here or there and, and stuff. So you can actually go back and spend a lot less time looking some of this up and looking what's all involved in this. I do stand up very much in favor of LB727. There are some bills in here that I do have some questions on, but I see some very, very good bills in here. I see some bills that in a normal session we would be having discussion on the floor and given the opportunity to decide how that maybe is a bill that is something we definitely need here in Nebraska and how we can make things better. I do like the one about, just what Senator Bostar talked about, about the, the buying the tax statements and then ending up with some property that was a windfall gain for them that shouldn't, shouldn't be at all, not in Nebraska. We've heard stories, as I've been in the Legislature, about how some of those things have come about. I know we-- there's been bills in the past to try and address those. When I look at this one, I think this one here has the possibilities of now doing some things there that, in my mind, make that a very, very good bill. In other words, they aren't going to have a windfall gain on some property just because they bought the tax statements. And that's something that right now is allowed in the state of Nebraska. See a lot of very good bills in here, some that we, maybe, as I hear people talk about, we may have to in future year or years come back and make some corrections on them. But all in all, I am thankful for this package. It's what has come about this year, some other senators have mentioned that. And that we have this many bills in one package, I sure don't like. But I do like how we're finally getting to the point of how we are putting the thought process into this and going better about explaining what's all in there, what all the bills are coming from, and how they can be adapted and good for the state of Nebraska. But I also want to thank Senator Hansen. Last summer, already, I had-- well, last fall, after last fall, the red card meetings, went to a couple of those meetings for the, I call it, the property tax things that they had for the counties and cities and there were a lot of questions about that. And after some of those meetings I had people reach out to me, how can we make that better or how can we make improvements? So I definitely thank him for coming back with some, I call it an amendment and making some things better and that it will flow better. Last year was a very, very much learning experience for that. But I think as we continue on forward with that process of those red cards or pink cards, that we will make that better and it will be something that will be very useful for the taxpayers of the state of Nebraska. Thank you, Mr. President. I yield my time.

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

**BRANDT:** Thank you, Mr. President, and good morning, Nebraska. So I would like to thank Senator Linehan and the Revenue Committee for LB727. One of the many bills contained is our bill, LB180, which was amended into that, and this would establish a biodiesel tax credit designed to boost value-added agriculture in Nebraska by incenting retail of biodiesel in the state. Biodiesel is a renewable diesel replacement that can be used in existing diesel engines without modification. More importantly, biodiesel is a major value add to Nebraska's soybean and corn production. The biodiesel industry's demand for soybean oil and corn oil is one of the biggest demand side drivers, and we are in a position to fuel that growth with this tax credit. LB180 provides a tax credit to any retailer who sells and dispenses biodiesel on a retail basis beginning January 1, 2024 for up to \$5 million in tax credits in any calendar year. That's \$5 million for the whole state. If the total amount of tax credits requested in any year exceeds such limit, the department shall allocate the tax credits proportionally based on-- upon amounts requested. The bill sunsets after four years. Just as ethanol has been a huge economic benefit to our state adding tremendous value to a homegrown product, the same is true for biodiesel. And just as we designed an incentive to drive demand for that homegrown fuel with Senator Albrecht's bill last year and Senator Dorn's bill this session, we are doing the same with this legislation. What most people are not aware of is, in the state of Nebraska, every other row of soybeans gets exported to China. Fifty percent of our soybean production goes outside of the state of Nebraska. Politically, if something were to happen to that relationship, it could be devastating, the impact that that would have on agriculture in Nebraska. Biodiesel is a way to use the soybeans up that are grown here in the state of Nebraska. It is hoped that this would spur the building of a refinery in the state to take the crushed products, the [INAUDIBLE] in and the oil that we have today, and refine the glycerin out on the soybean side to market those products here in Nebraska. In conclusion, I support LB727 and yield the rest of my time to Senator Linehan.

**KELLY:** Thank you, Senator Brandt. Senator Linehan, that's 2:26.

**LINEHAN:** Thank you, Mr. President. Sitting here listening to everybody, I was just thinking about what we've done this session, or what we're about to do when we get to Final Reading. We've done a lot. Yes, we cut property taxes. We've got a whole new school funding plan. We have cut income taxes. But we've also, in this bill and other



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things we have done since the last few years have been very good for Nebraska. And one of the things that we all know we have a problem with is losing population and losing young people. And I know you've all heard this from Omaha Chamber, State Chamber, Lincoln Chamber, we have got to figure out a way to keep young people in Nebraska. So we've-- a lot of partners, private partners in Omaha, which I, since I live close to Omaha, know better. We had-- people donated a \$400 million park in downtown Omaha. In this bill, we are expanding the turnback tax for CHI Convention Center so they can have bigger conventions, which will bring more money and more sales tax to Nebraska. The expansion of the convention center is going to be on the east side and we'll look at the new Kiewit Luminarium. The amount of personal private money--

**KELLY:** One minute.

**LINEHAN:** --that has been generated to help us keep young people here is significant. And these bills are just a way to help a little bit. Another bill, Senator McDonnell, don't think I've seen him this morning, that's in here is a turnback tax for the Steelhouse, which sits right next to the brand new park. And then I can start moving west from there. I was at Mahoney Park on Mother's Day. I did not get to the lodge, but I think in the Appropriations bill there is money to update the lodge at Mahoney Park. So what did I drive past to get from downtown Omaha to Mahoney Park? I would drive by the complex that we're talking about, which would be right there. This is huge, huge investment for our future, increases sales taxes, helps keep young people here, brings tourists. We are real short on tourists.

**KELLY:** That's your time, Senator.

**LINEHAN:** Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of certain parts of the bill, and I just wanted to thank the Revenue Committee for including the home equity theft bill in the package. I think it's on the amendment that isn't up on the board yet. But I just wanted-- I appreciate the work the Revenue Committee did to, to integrate this bill into the bill and just kind of wanted to recognize the hard work of all the stakeholders on this. So this issue, as Senator Bostar accurately put-- stated, there is a Supreme Court case pending about the takings issue related to the scheme we have in the

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state of Nebraska that is very problematic. This issue was raised at the Supreme Court by the Pacific Legal Fund [SIC], who is litigating that issue on behalf of a citizen in the state of Minnesota. They've also participated in cases here in Nebraska because of our similar scheme and that issue was brought forward to me in the form of an interim study by the Platte Institute. And we worked over the interim on the issue with the Platte Institute, with Pacific Legal Fund, with the AARP, with the ACLU, with Legal Aid. And then we brought forward the bill this year that was ultimately-- has been integrated in some form into this bill, which would require that if a tax lien purchaser were to attempt to foreclose on a property and it's-- they'd have to go through a judicial foreclosure, which means they wouldn't be able to capture all of the equity which would solve this equity theft issue. There's been some exchanges about only properties over a certain value are going to have to go through that process, but for those lesser properties there is a return of equity, as well. So I appreciate the work that the committee has taken. I appreciate the work of all of the stakeholders on this issue to raise and elevate this issue, to come and testify at the hearing to sort of parse out exactly what the problem is here. I appreciate the other folks who have elevated this issue, Senator Brandt cosponsoring the original bill, Senator Wayne cosponsoring the bill, Senator DeBoer, who brought a separate stand-alone bill on the issue of home equity theft as well, to attempt to address just that issue of notification that Senator Bostar talked about. The reason there's-- this is a bipartisan issue is because it is government overreach, taking people's property without just compensation. You see the ACLU, the American-- or the Americans for Prosperity, Pacific Instit-- Legal-- or Platte Institute, Pacific Legal Fund, Legal Aid are very rarely all on the same side of an issue. So I do, I, I think this is a really important step in the right direction to address home equity theft. And it has been a long time coming that the state of Nebraska would properly address this. We have one of the, the worst systems in the country, and I know the media has covered this in the last year, and I've talked about it quite a bit on the microphone here about examples of when individuals' property was stolen or their value and their equity and their savings were stolen as a result of the system. So the portion in this, in this bill that's going to be in the amendment, will come up sometime later I assume, is a good step in the right direction and wouldn't be here without all the work of all of those stakeholders to bring forward and elevate those specific issues around this bill. But I do appreciate the work of the Revenue Committee to integrate it in the package. Thank you, Mr. President.

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**KELLY:** Thank you, Senator Cavanaugh. Senator Brandt announces some guests in the north balcony, fourth- and fifth-graders from St. Paul's Lutheran in Plymouth. Please stand and be recognized by your Nebraska Legislature. Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** Thank you, Mr. President. I stand opposed to the IPP motion, motion 806. I want to say a couple of things on the mic just for the record, the one being LB384, I think Senator Bostar has. I think that's an important bill in the sense that we had another bill-- I think maybe Senator Lippincott, maybe Senator Bostar brought it-- to move funds to the aeronautic side of the house because DOT didn't give them any money to do the work that they needed to do. So this will go a long ways. Hopefully, this will help to go a long ways and actually providing a funding source for our aeronautic side, for our airports and that, that they currently do not receive any or very little, if at all. We did, I believe, move that bill out and it is in-- on Final Reading, I think, in our Transportation and Telecommunications bill, if I remember right. The other comment I want to make for the record is on LB706, the bonding bill. With that, and I've talked to Senator Moser off, off the mic and, and he's answered my questions, but my comments I want to make to make sure that Department of Transportation understands that there is a plan of building roads in this state and that plan needs to be followed. And I don't want to see this bonding effort to jump projects, to move projects ahead of another project, to take funding away from areas because they took funding away from County Bridge Match Program. And I can see DOT wanting to do the same thing for other projects across the state. As long as they do the bonding and they do it correctly, and they do it consistently to certain projects and do not interfere with the plan that's been in place to build out roads and highways and bridges across the state, then I'll be-- continue to be-- I'll be in support of it. But if they're going to take bonding, we'll be watching. If they're going to take bonding and start replacing and moving over projects that are out there, then we're going to have a discussion, because those roads that are out there that have been in the plan that's out and their plan that we receive every year of what those roads, what those highways are going to be, where they're going to be built and what's going to be done, those need to continue to be done. And the bonding effort needs to be on the expressway but does not take away from these other projects. I think that's very important for the Department of Transportation to understand. I think it's very important that Department of Transportation follows that. If things change, I think we will see-- next year, we'll see some changes in legislation and how they operate. Thank you, Mr. President.

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

**VARGAS:** Thank you very much. First off, I want to thank Senator Linehan and members of the Revenue Committee for their work on this. There's a lot of different things in here that I support, many of which have already been talked about on the mic, including the redevelopment and the, the-- not the incentives but the support to CHI and others in Omaha. I also want to thank them for including my LB756 and Senator Conrad's LB697, and I'm forgetting Senator Slama's bill number, as well, that provide and change provisions for the Nebraska Historic Tax Credit under the Nebraska Job Creation and Mainstreet Revitalization Act. As many people know, the Nebraska Historic Tax Credit, or NHTC, the program sunset in December of 2022 as no legislation was passed to extend it. The reason why this means a lot to me is this, this has been something I've been working on for some time. And LB310 back in 2019 that we passed expedited the receiving of these tax credits, making this program more efficient, and, and making sure that it is working better and improved. And LB194 from 2021, I introduced this piece of legislation which we are now including in this package, which expanded and extended the tax credit to make sure that it continues to exist and it works because of the economic benefit. So I really want to thank the committee again for including this bill I've been working on for the last five years to make sure that we're expanding this. The committee and our Legislature had plenty of conversations about these programs. It's one of the most successful programs we've actually seen in terms of both mixing the economy and our historic significance with the beauty of our communities. NHTC projects have included low-income housing, courthouses, downtown areas, and areas seeking revitalization have had a tremendous impact on our local workforce. Since the project's inception in 2015, we have experienced a total economic impact of about \$207 million, representing more than a 700 percent return on the state's investment. This direct economic impact of \$138 million and an indirect economic impact of \$68 million and about \$9 million in local and state sales taxes. Now the NHTC credit also responsible for a total workforce impact of nearly 3,000 local jobs and \$93 million in new wages. This includes direct employment of 1,700 full-time workers, indirect employment of 1,000 full-time workers. As you can see, this is a critical program. It's why I've been working on it for years. I want to thank the committee members and my colleagues, especially Senator Conrad, that is also working on this to ensure the continuation of and to seek to make improvements to this incredibly successful and impactful program. The major changes that we have in

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here are making sure the tax credit is expanded. It creates the incentives, increasing the credit to 25 percent for projects located in Douglas and Lancaster, and 30 percent projects are located outside in all other counties. It also increases the maximum credit for each project, regardless of the project's location, which will increase it from \$1 million to \$2 million. And the third requirement is that the Nebraska State Historical Society and the Department of Revenue will issue an annual report to the Legislature about the program. The last thing I'll note is NHTC projects take place in small towns and big cities all across the state. I know that an important priority for our Legislature is ensuring that these types of programs are available not just to the big developers in big metropolitan areas like Omaha. Over the past several years, NHTC projects have taken place across the state that are in need of revitalization. This includes neighborhoods in my district, as well as Chadron, Columbus, Fairbury, Friend, Grand Island, Hastings, Lincoln, Pender, Red Cloud, and many others. And I appreciate everybody for their work on this in the Revenue Committee and Chairwoman Linehan for including LB756 and LB697, as well as Senator Slama's bill as these important updates. And thank you to all those that have worked on this for years with me to make sure that projects--

**KELLY:** One minute.

**VARGAS:** --and programs like this, one, one, are more effective and efficient, which is what we've worked on as a result of work with the performance audit committee in the past and work from this committee in the years improving the efficiency of the program but, two, extending this out to 2030, making sure good programs like this work to maintain economic impact, but also historical significance and we need that across our state. And we're leveraging the federal historic tax credit as well, which is a really important aspect of the combination of this program. Thank you very much.

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

**ERDMAN:** Thank you, Mr. President. Been listening to the conversation about these bills that are included in the package. Thirty-one bills is very difficult to understand and get your hands around. Had several conversations with Senator Moser off the mic on the constitutionality of bonding. Met with the road department. Their lawyers and attorneys have assured me that there is a provision in the constitution that if we get three-fifths of the body to vote for bonded indebtedness, it is approved-- it's an approval that the road department can use if the

funds that are collected to pay the indebtedness come directly related to the project that you're constructing. And we do collect gas tax, and the gas tax will be used to pay the bonded indebtedness up to \$35 million annually. So I understand that. One of the issues that we've had with the Department of Transportation is they don't seem to have sufficient funds to do what we've asked them to do. And over time, our road department, the Depart-- Department of Transportation, hasn't re-- hasn't reduced the amount of employees they have back from the [INAUDIBLE] when they used to do a lot of work, including dirt work, building roads, and those kind of things. And so they're going to construct or they want to construct a four-lane highway from Minatare, Nebraska to, to north of Bridgeport, 18 miles. And that project's going to cost in upwards of \$80 million. And if they did a super two for that stretch, probably save them 90 percent of that. But that's probably not going to be on the docket for consideration because they had already made their decision years ago that's what they must do. But you analyze their project and you see from the city of Alliance, north to the state line, 57 miles, it will be a super two. So part of the highway, it's OK to be a super two, but another part is not. And so when you save \$75 million or \$80 million on one project, it frees up money to do work on another project in another area. So I don't know that the Department of Transportation is that short of funds, if they prioritize what they're doing and they become efficient in running their operation. But that's government. That's how government works. That's not very efficient of the taxpayers' dollars. But we will do things here that we've always done and we never take in consideration how you make it better, how you reduce spending. We just have to ask for more money. So I am not naive enough to believe that any conversation we may have today about this bill or in the future when it's on Select will change this bill in any way, shape, or form or will prevent this bill from passing. My prediction is this bill will probably pass 45-3, and it will move onto Select and get about the same number of votes there. That's what happens when you put 31 bills in one bill, you're generally guaranteed to get 31 votes. So I'm not sure that the people in Nebraska want us to make laws like this in this regard, but it's what we got this year. And so we haven't had the opportunity to individually talk about bills and it's very difficult to understand 31 bills in one package.

**KELLY:** One minute.

**ERDMAN:** So with that, I will yield my time back to the Chair. Thank you.

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**KELLY:** Thank you, Senator Erdman. Senator Hughes, you're recognized to speak.

**HUGHES:** Yes, thank you, Mr. President. I rise again in support of LB727. And I want to thank-- I wanted to mention a piece of the bill, which is LB706. Thank you, Senator Moser, for bringing this and, Senator Walz, for apparently bringing this last year, the bonding bill. This bill will be very important for District 24, as we have waited for the expansion of Highway 81 to a four-lane going north from York and, of course, will help our other infrastructure projects all across the state. That being said, we need to make sure that the bonding is handled in a very judicious manner so that Nebraska does not get into financial trouble. In addition to that, I wanted to talk just a little bit more about my piece of this package, which is taxing the vape-- vaping liquid. And I was going to read from a couple letters of support from the hearing that we had. And so this one was from Paul Henderson with the Nebraska Medical Association from February 21: Chair Linehan and members of the committee, the Nebraska Medical Association supports LB584, which would impose a tax on electric nicotine delivery systems. E-cigarette use, particularly among youth, is a significant public health concern. All of the lasting health consequences of these electronic nicotine products are not known. But there is evolving evidence of substantial health risks, including lung and cardiovascular disease, asthma, and cancer. Unfortunately, e-cigarettes are likely to serve as a gateway to other tobacco products. Our physician members are concerned that the rising use of e-cigarettes and vaping will lead to another generation being dependent on nicotine. LB584 is a step toward discouraging the use of these products. The NMA appreciates Senator Hughes for her work on this issue and encourages you to support LB584. And then I was just going to read one paragraph again from the hearing, and this is from the Nebraska Chapter of the American Academy of Pediatrics, Kenneth Zoucha: Dear Nebraska Senators, my name is Kenneth Zoucha. I'm a pediatrician and addiction medicine physician. I have practiced in Nebraska since 1991, and as an addition-- addiction medicine physician since 2012, treating adolescents with substance use disorders and psychiatric disorders. I am grateful for the opportunity to comment on LB584 as a member of the Nebraska Chapter of the American Academy of Pediatrics. Adolescents are uniquely prone to nicotine addiction due to neurobiological differences in the developing adolescent and young adult brain. According to the 2022 National Youth Tobacco Survey, one in seven high schoolers reported current use of electronic nicotine delivery systems. We're going to call them ENDS, also known as e-cigarettes. In comparison, around one in 40 high school students

report current use of other tobacco products. ENDS devices increase the addictive potential of nicotine by making it easier to inhale quantities of nicotine that are difficult for first-time nicotine users to obtain from combustible tobacco products, meaning you can get more nicotine from a vape device than you can from traditional cigarettes. The large quantities of nicotine being delivered to the developing brain increases the potential for an adolescent to become addicted to nicotine. Evidence shows other harmful effects in adolescents, including risk of transition to cigarettes, lung disease, and increased likelihood of addiction to alcohol and other drugs. My own experience treating youth with substance use disorders shows almost universal use of nicotine prior to the addiction for which they are seeking help, many starting at 12 to 13 years of age. Research studies have shown that an increase on taxation of nicotine products reduces both initiation and current use of tobacco, tobacco products in adolescents and young adults specifically, as they are particularly price sensitive. Thank you, Mr. President, and I will yield the rest of my time.

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

**WAYNE:** Thank you, Mr. President. Colleagues, I am currently neutral on this bill, although I have one, a bill in there dealing with turnback tax in Omaha, where I'm a little concerned, which I'm, I'm going to work with Senator Lou Ann and those to figure out-- Lou Ann Linehan-- Senator Linehan, I always call her Senator Lou Ann. This could potentially devastate sports in Omaha, particularly east Omaha. We are seeing-- just to give you a little background on sports in east Omaha, there are not a lot of facilities, so they have to use school facilities. And what we learned during COVID is when the school was shut down, it virtually wiped out youth sports in east Omaha, to a point where one high school of Omaha, over 60 percent of their varsity players transferred to another school district so they could continue to participate. But why it doesn't affect west Omaha is because for basketball, you have UBT center which has-- it's a private-owned or private court that is utilized by the community, and you have a lot of other for baseball, volleyball, a lot of facilities that allow sports to happen. The concern and fear that I have around the outlet mall was in the newspaper article that a developer from Kansas City who develops a lot of sports places like Legends and other places down there, if you haven't been to Overland Park, I would tell you to go down there and look at the number of soccer fields and how that looks. And then last year we allowed Ralston to-- about \$12 million to put up some soccer fields. There's just a, a gaping hole in east Omaha. And



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the fear that I have and the fear that many of the local sports, youth sports have contacted me over the weekend have is that this would pretty much devastate and demolish youth sports in east Omaha. So we're trying to figure out an amendment on Select that will maybe help balance that and figure out how to make that happen. But I wanted to tell people when I got on the mic is, one, I'm working on it; and, two, I'm pretty sure we'll get to a resolution on Select to figure this out. But it is a huge concern when you talk about the lack of soccer fields, the lack of outdoor baseball fields, the lack of indoor facilities. And so it is something I'm going to work from General to Select. But for those who have been calling and texting my office and calling my office around the youth sport issue that was discussed over the weekend, we are working on it and we will figure out how to resolve these issues. Thank you, Mr. President.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I still stand opposed to the IPP motion and in support on most of the underlying bill. And I want to say that Senator von Gillern-- I've heard your name mispronounced so many times, I'm not even sure how to say it anymore. Did I say it right? OK. People keep putting an extra syllable, it's confusing. And you're right, we did include gambling and that was mostly to get your attention, which it clearly did. So we're not trying to sneak anything through. We're really trying to start a conversation of how we think we can tweak this bill and make it better. But, you know, should we be able to slip it through, we would also be really happy with that. Got to be honest, so. But I do think that there is room for improvement. And I do hope we can have this conversation between General and Select. And I hope it is an actual conversation because it seems like some so many of the conversations that I've had on my personal bills that I've had to find rides for have just been conversations to appease us, to get us to back down so we can get all the other bills done, and then basically I'll be screwed at the end of the year when it comes to getting my bills passed. So we'll see what happens and I still have hope. But I want to bring up an uncomfortable, a really uncomfortable conversation that I want to have on the mic here. And I talked a little bit about it last week, not because I knew it was going to happen today, and I'm going to take some time to talk about it because I'm on the mic right now. So last year, March of 2022, we also had a delegation, as we just did, come in from Kenya. And, of course, we want to bring people in and we want to make sure that we're stimulating trade because that helps our farmers, it helps our economy. But when I asked who was in

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that group, I've asked multiple people and no one can provide the names of the individuals who we just let into the Chambers. Why is that an issue? Because last year, March of 2022, in our Governor's Office, we had an alleged war criminal in our Governor's Office. And I believe-- I don't know if they came on the floor last year or not, I can't remember. But here's the issue that I have with this. If, if the ICC, if the International Court says that somebody is responsible for crimes against humanity, which resulted in over 1,000 people killed, 900 acts of documented rape and sexual assault, and 350,000-plus displaced because violence was instigated, instigated by this individual and a well-known deejay in their country. And then the four witnesses that were going to testify against this person when it was going to become public information and the court was going to be held, were bribed and threatened by a particular attorney. And then after they withdrew, that particular attorney was found dead in his home, dead in his home, that the court had to go ahead and dismiss it with prejudice because they know that this, this crime has been committed and they know that they-- there needs to be a court hearing and this person needs to be held accountable. Why are we letting these people into the Capitol? And I want to be really careful because I'm not saying that this person is, again, in this delegation as he was last year. I'm saying, why aren't we being more careful with what-- who these people are in these delegations? Trade is most definitely important, but we just had a big brouhaha with the Chinese scare on this floor, which is why I talked about this, by the way, last week, where we're creating boogeymen. But when the real boogeymen come into our Capitol, we're oblivious. The media did not cover it.

**KELLY:** One minute.

**BLOOD:** They were oblivious. No senator talked to me about it. You all seemed oblivious. I'm just a grandma from Sarpy County and I knew. If you read the news, you knew who that person is and what their issue is and why we should be concerned when they're in our Capitol. I think if people come onto the floor, we should have a list accessible to us. We don't know who's coming onto this floor half the time. They might be a cousin, a friend, a neighbor. But, you know, that neighbor maybe is going through, through a legal issue right now because they murdered another neighbor. We don't know. And I think the lack of us not caring or knowing is really telling when it comes to our security. I asked State Patrol. They didn't know. And I'm not blaming State Patrol, by the way. I'm blaming our process.

**KELLY:** That's your time, Senator.

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

**KELLY:** Thank you, Senator Blood. Seeing no one else in the queue, Senator Conrad, you are recognized to close on your motion.

**CONRAD:** Thank you, Mr. President. I really appreciated the thoughtful and interesting debate on all of the different component parts presented in the committee amendment. I think just to reiterate, I filed the motion in the wake of the unprecedented rules change that was adopted by the body to oppress and suppress minority rights without being afforded an opportunity for a public hearing. The motions were filed to structure debate for the remaining part of this session, so I would urge your red vote in regards to the motion and I'll ask for a call of the house, call of the house and a roll call vote in regular order. Thank you, Mr. President.

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

**CLERK:** 20 ayes, 5 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators McKinney and Brewer, please return to the Chamber and record your presence. The house is under call. All unexcused members are now present. Members, the question is the motion to indefinitely postpone. There's been a request for a roll call vote. Mr. Clerk.

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

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voting no. Senator McDonnell. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart. Vote is 0 ayes, 40 nays, Mr. President, on the motion to indefinitely postpone.

**KELLY:** The motion fails. Mr. Clerk, for items. I raise the call.

**CLERK:** Mr. President, your Committee on Enrollment and Review reports LB814 as correctly engrossed and placed on Final Reading. Additionally, your Committee on Enrollment and Review reports LB818 as correctly engrossed and placed on Final Reading. Notice of committee hearing from the Health and Human Services Committee. New LR from Senator Kauth, LR165. That will be laid over. LR166 from Senator Walz. That will be referred to the Executive Board. LR167, LR168, and LR169, all from Senator Conrad. Those will all be referred to the Executive Board. LR170 from Senator Dungan. That will be referred to the Executive Board. And LR171 from Senator Jacobson. That will be referred to the Executive Board. Senator-- LR172 from Senator Vargas, referred to the Executive Board. LR173 from Senator Briese. That will be laid over. LR174 from Senator Riepe. That will be referred to the Executive Board. Mr. President, concerning LB727, Senator Machaela Cavanaugh would move to reconsider the vote taken with MO1058.

**KELLY:** Senator Machaela Cavanaugh, you're recognized to open on your motion to reconsider.

**M. CAVANAUGH:** Thank you, Mr. President. Morning, colleagues. My staff made a binder for this bill for me, which, as you've heard me talk before, I love a good binder. This one is enormous. I think it has something like 36 bills in the amendment. I recall Senator Clements saying that he didn't vote for a bill last week because it had 21 bills amended into it and that was too many. Well, this one is a real doozy. So let's see here, just getting to the committee statement. Explanation of amendments: LB1152 incorporates the provisions of 20 other tax-related bills into LB27-- LB727. The bills and amendments included are LB74, LB96 as amended by AM64; LB100, LB118, LB165, LB180 as amended by AM142; LB300, LB344, LB384, LB407, LB447, LB491, LB495, LB580 as amended by AM634; LB584 as amended by AM509; LB692 as amended by AM1012, LB978 [SIC--LB697] as amended by committee, make it so; LB704, LB706 as amended by AM692; LB732 as amended by committee, make it so, AM169, AM867 and, and committee make-it-so amendments. The committee voted to adopt AM15-- AM1152 on an 8-0-0 vote. Whoo, that's a lot. Yeah, so I, you know, was intrigued this morning by the fact

that we took almost three hours on the IPP motion, and I commented on it to several people that the queue was filled with multiple hours of people talking on the IPP motion, which I found fascinating because it seemed that, like, everybody was loving on the bill, but nobody wanted to get to the underlying amendment of whatever all of this is. So I, I just am curious why everyone is helping block the committee amendment. I mean, thanks, I guess, makes it easier for me with just around five hours left, several motions ready to go that we now might not get to the committee amendment because of the work of so many people in the body. I think it was, and I apologize if I'm getting it wrong, I think it was Senator Erdman who said if you-- you'll get 31 votes if you have 31 people's bills in, in the package. Like, well, that's true, but how many votes do you get if 31 people worked to block the amendment from getting attached? Because that's kind of the road, the path we got on this morning. I didn't even talk on the underlying IPP. I could have added another 15 minutes, we could have taken the IPP itself almost to lunch. So, yeah, I'm just kind of curious what the plan was. Why filibuster this tax package with 30-some bills in it? Why don't we want to get to the amendment? Makes me suspicious of the amendment, to be honest. Like, are you all not in agreement on the amendment? Are you still negotiating something on the amendment? Are we hoping to get some changes in the next five or so hours? I don't know. But it certainly-- I, I thought-- so my undergraduate degree is in sociology and I have a minor in political science and, this will shock everyone, justice and peace studies. And the sociology part of it is I am just, I am fascinated by people, by norms, by mores. And so when I see something happening-- now, some might look at the psychology of it, I look at the sociology of it. What is collectively happening in the group, what is the-- what are the driving factors? Why-- how are people organizing? Why are they organizing? So this morning when I saw the queue in three columns, which is a very, very long queue, right now the queue is nothing, but I saw the queue in three columns, which is several hours of speakers, I thought something's up here, something is up and I think I should be concerned about what is in this bill. So thank you for, for "telepathing" that to me that I should be concerned about what is in this bill and now I am concerned about what is in this bill. And everyone here just made it that much easier for me to block the committee amendment. So thank you for that as well. And I'm just thinking, well, over lunch, I just might have to dig in a little bit more into what is happening with this bill because there's, there's certainly a significant amount. Build Nebraska Act is on page 20 to 33. Well, let's-- 20 to 33, I don't even know what the Build Nebraska Act is: Legislature finds that safe and modern highway infrastructure is of great importance to

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Nebraska's residents' agricultural economy, business economy, and the future growth. Furthermore, the Legislature finds that it is in the interest of Nebraska taxpayers to leverage historically low interest rates to offset the challenges that construction, inflation, and uncertain federal highway funding pose to adequately finance the state's infrastructure needs. It is the intent of the Legislature to conservatively utilize bond financing by issuing bonds not to exceed \$450 million in principal and \$35 million in annual debt service for a period of not more than 19 years in order to accelerate completion of the highway construction projects identified and to be identified for funding under the Build Nebraska Act. OK. Upon the written recommendation of the Department of Transportation, the commission, acting for and on behalf of the state, may issue, from time to time, bonds under the Nebraska Highway Bond Act by resolution as described in Section 39-2209, in such principal amounts as determined by the commission for the purpose of accelerating completion of the highway construction projects identified and to be identified for funding under the Build Nebraska Act. The principal amounts, interest rates, maturities, redemption provisions, sale prices, and other terms of the bond so authorized to be issued shall be in accordance with terms or conditions established by the commission. No bonds shall be issued after June 30, 2029, except for refunding bonds--

**KELLY:** One minute.

**M. CAVANAUGH:** --thank you-- except for refunding bonds issued in accordance with the Nebraska Highway Bond Act. The proceeds from the sale of any bonds issued, net of cost of issuance, capitalized interest and necessary or appropriate reserve funds shall be deposited in the State Highway Capital Improvement Fund for use-- use pursuant to the Build Nebraska Act. The commission is hereby granted all powers necessary or convenient to carry out the purpose and execute the powers granted by the Nebraska Highway Bond Act. The bond shall be paid off by June 30, 2042. OK. There's more, but I think I'm about out of time on my opening. But never fear, I am in the queue and I will speak on this further on my next time. I'm also interested in the committee "make it so".

**KELLY:** That's your time--

**M. CAVANAUGH:** Thank you.

**KELLY:** --Senator. Thank you, Senator Cavanaugh. Senator Linehan announces some guests in the north balcony, fourth graders from Skyline, Skyline Elementary in Elkhorn. Please stand and be recognized

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by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you. OK, so I'm interested in this "make it so." I know I talked to Senator Briese last week about make-it-so language and, and so I'm, you know, pretty fascinated by it. But I see on the committee statement on page 10, LB697, Senator Conrad's bill, as amended by committee "make it so," seeks to amend provisions of the Nebraska Job Creation and Mainstreet Revitalization Act. And that's on pages 85 to 94. So, OK, let's see here: The department-- historic-- OK, line 3 on page 85 is where I'm starting: historically significant real property means a building or an at-grade or above ground structure used for any purpose except for a single-family detached residence, which at the time of the final approval of the work by the officer pursuant to Section 77-2906. So it is inserting the language of building or structure, and it's inserting building or an at-grade or above-ground structure. Oh, then if you skip down on page 86, it strikes some language. So it strikes through lines 24 through 30: for historically significant real property that is not located in a city of the metropolitan or primary class \$25,000 or for historically significant real property that is located in the city of a metropolitan or primary class, the greater of \$25,000 or 25 percent of the historically significant real property's assessed value. OK, striking that, and heading into the amount of the credit shall be equal to 25 percent of the eligible expenditures, up to a maximum credit of \$1 million. We're striking that language and inserting for-- this is on page 88, for historically significant real property located in a county that includes a city of a metropolitan class or a city of the primary class, the credit shall be equal to 25 percent of eligible expenditures for historically significant real property located in any other county. The credit shall be equal to 30 percent of eligible expenditures. In all cases, the maximum credit allocated to any one project shall be \$2 million. Interesting. Well, we're about to go to lunch. And let's see here, we've got the Biodiesel Tax Credit Act. It's on page 72. I think we can dig into that after lunch. Department of-- on page 79, we've got the credit to the Department of Transportation Aeronautics Capital Improvement Fund. All the proceeds of the sales and use taxes imposed pursuant to this section of sale-- on sale or lease of aircraft is defined in Section 3-101 of statute. How many pages is this? You know, this isn't actually that long, considering how many bills are in it. It's only 138 pages.

**KELLY:** One minute.

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**M. CAVANAUGH:** I mean, the mainline budget is 181 pages. So I think that-- did that have more than 36 bills in it? I honestly don't know. I don't know if it did or not. So, hmm, all right. Well, I guess we will continue this conversation after the vote. I suppose we'll vote on this, vote on the next, vote on the next, etcetera, etcetera, etcetera. So, yeah, I think I'm probably-- I don't know, maybe we're adjourning for lunch, maybe I'm closing on my motion. I guess we'll see. Thank you, Mr. President.

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

**CLERK:** Mr. President, items quickly: two amendments to be printed from Senator Hunt to LR-- oh, excuse me, to LB810. New LRs, LR175 and LR176 from Senator Ballard, those will both be referred to the Executive Board; and LR177 from Senator Murman, that will be laid over. Priority motion, Mr. President. Senator DeKay would move to recess the body until 1:00 p.m.

**KELLY:** Senators, you've heard the motion to recess. All those in favor say aye. All those opposed, nay. We are in recess.

[RECESS]

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

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

**KELLY:** Thank you. Do you have any items for the record?

**CLERK:** I have no items at this time.

**KELLY:** Please proceed to the first item on this afternoon's agenda.

**CLERK:** Mr. President, when the Legislature left LB727, pending was a reconsideration motion from Senator Machaela Cavanaugh.

**KELLY:** Senator-- seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on your motion.

**M. CAVANAUGH:** Thank you, Mr. President. Yes. So this is the reconsider on the indefinitely postpone motion, and I encourage you to vote your heart. Thank you, Mr. President.



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

**CLERK:** 0 ayes, 24 nays, Mr. President, on the motion to reconsider.

**KELLY:** The motion fails. Mr. Clerk for items.

**CLERK:** Mr. President, LB727 introduced by Senator Linehan. It's a bill for an act relating to revenue and taxation; amends Section 77-2704.15; change provisions relating to sales and use tax exemptions for purchases by the state, schools, and government-- governmental units; provides an operative date; and repeals the original section. The bill was read the first time on January 18 of this year and referred to the Revenue Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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

**LINEHAN:** I think the committee amendment is what we've been talking about all morning. And I'm waiting for Senator Bostar. I will-- can I yield time to Brad von Gillern? Senator Brad von Gillern?

**KELLY:** Senator von Gillern, you have 9:35.

**von GILLERN:** Thank you, Mr. President. So the committee amendment, AM1152 of LB727, includes a number of additional bills that were rolled up into it. And I'm looking for my notes right now, so forgive me. AM1152 includes LB74 which would-- hang on. Talking about the AM1152 [INAUDIBLE]. So this is a committee amendment, AM1152. This includes LB74, LB96, LB100. These are the bills that, as Senator Linehan said, we've been talking about all morning. I think everybody has had a chance to speak to the bills. I'm sorry. I got confused because we got another floor amendment that's coming. I wanted to make sure we weren't on that floor amendment. So I think everybody's had a chance to, to speak on those bills, and they've had a chance to respond to them. And there have been lots of opportunities for questions to be asked. So I think I'll defer any other comment until we get to the next amendment, which is AM1152. I'm sorry. Yeah, we've talked about LB74, and LB96, LB100, LB118, LB165, LB180, LB300, LB344, LB384, LB407, LB447, LB491. We've talked at length about LB692. We've got LB580, and LB584, and LB623, and we've got another floor amendment coming up. So if anyone has any questions about any of those, I would be happy to address them individually. Thank you, Mr. President.

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**KELLY:** Thank you. Senator von Gillern. Senator Machaela Cavanaugh has guests here this afternoon in the-- under the south balcony and in the north balcony, fourth graders from Christ the King in Omaha. Please be recognized by your Nebraska Legislature. Mr. Clerk for items.

**CLERK:** Mr. President, first of all, Senator Linehan. I have AM1217 with the note to withdraw. In that case, Mr. President, next amendment. Senator Linehan would move to amend with AM1396.

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

**LINEHAN:** Thank you, Mr. President. And again, this basically includes things we've already talked about today. We have a couple other amendments that are basically technical changes. But unless anyone has any questions, I don't think there's a reason to keep beating on this, but I'd appreciate a green vote on AM1396, AM1152 and LB727.

**KELLY:** Thank you, Senator Linehan. Mr. Clerk.

**CLERK:** Mr. President, I have MO808 and MO807, both from Senator Conrad, with notes she wishes to withdraw.

**KELLY:** They are withdrawn.

**CLERK:** Nothing further at this time, Mr. President.

**KELLY:** Turning to the queue, no one in the queue. Senator Linehan, you're recognized to close on AM1396.

**LINEHAN:** Thank you very much, Mr. President. I will waive my closing, but I would like a call of the house.

**KELLY:** Thank you.

**LINEHAN:** And regular order. Roll call vote.

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

**CLERK:** 23 ayes, 3 nays to place the house under call.

**KELLY:** The house is under call. Please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Hardin, please return to, to the floor-- to the Chamber and return-- record your presence. The

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house is under call. All unexcused members are now present. Members, the question is the adoption of AM1396. There has been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran. Senator Halloran? Voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes, Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne. Senator Wishart. The vote is 40 ayes, 0 nays, Mr. President, on adoption of the amendment.

**KELLY:** AM1396 is adopted. I raise the call. No one else in the queue. Senator Linehan, you're recognized to close on AM1152, and waived. Members, the question is the adoption of AM1152. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

**KELLY:** The amendment is adopted. Mr. Clerk, for items.

**CLERK:** Mr. President, Senator Blood would move to amend with AM 1570.

**KELLY:** Senator Blood, you are recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I've spoken on this amendment and it is my hope that between General and Select, we can readdress the issues that Sarpy County is concerned about. Again, we would like to see some sort of performance indicator that is public information to make sure that indeed the money is spent wisely or actu-- excuse me, the money is not exactly-- what I mean--

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what I mean is giving them some corporate welfare is actually something that is to the benefit of all Nebraskans. We want to make sure that they do pay a good living wage compared to what other businesses are doing here in Nebraska. And we want to make sure that we consider new retail, that they may perhaps receive the same tax exemption and maybe consider a 30 percent benchmark over 20 percent. Now, I know about half of those things are doable, and half are clearly not doable. And I'm realistic. But my job and the job of several other senators on this floor is to be the voice of Sarpy County. And so that is what we are doing with this amendment. And I've already talked about it multiple times. So with that, I'm going to leave it with this and yield my time back.

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

**LINEHAN:** Thank you, Mr. President. And thank you, Senator Blood. And Senator Blood did talk to me about this earlier today. And yes, between General and Select, we'll have more conversations. And if there's things we can do that make the bill better, I'd be happy to engage in that conversation. Thank you, Mr. President.

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

**KAUTH:** Thank you, Mr. President. And would Senator Blood yield to a couple of questions?

**KELLY:** Senator Blood, would you yield to some questions?

**BLOOD:** Yes, I'd be happy to yield.

**KAUTH:** I, I wasn't able to hear you talk to Senator Linehan this morning. Would you explain to me what-- I'm starting to read through the amendment. Can you explain in detail? Because I wasn't aware there were problems with Sarpy.

**BLOOD:** I, I didn't hear the last part of your sentence. I'm sorry. What?

**KAUTH:** Oh, sorry. I didn't realize that there were-- there were questions from the Sarpy community or Sarpy County about this bill. Can you explain what the difference is and what it is that they're looking for?

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**BLOOD:** Sure. And I did talk about it several times this morning. And then you also received a letter from the Revenue Committee in reference to it. So the concerns are that we are giving a special, a special offer to one community for basically one project. And the concern is that although we have helped businesses in Sarpy County, that this is not an even playing field. And so what they'd like to see if the LB692 portion of the bill passes, which it of course will, is that we have at the very least a performance indicator, performance indicator being that did we spend our money wisely? They want to make sure that we match the minimum wage across the state. And to be really frank, Senator Linehan said, well, with the workforce shortage, that's probably a given. But they'd actually like to see language in there that if they're going to receive benefits from the state of Nebraska, that one of the things that they can promise us is that they're going to pay a fair wage. And then it does address gambling. But that's really not something that, that I know we can push for. I think it was more to get your attention, and that maybe they consider that new retail everywhere receive the same tax exemption and not just Gretna. Again, even playing field. And one of the benchmarks that was suggested to me was 30 percent, but the bill does have a 20 percent benchmark. So it's not realistic to believe that everything in this amendment can happen, and I've said that from the very beginning. But it is realistic to hear the voices of Sarpy County, and know that at least half of these things have potential, regardless of what the fiscal note says, because they won't pertain to the fiscal note, such as the minimum wage and the performance indicator. And I would hope that those things would be doable.

**KAUTH:** Thank you. So when you talk about fair wage, is that minimum wage or is that a different wage that you [INAUDIBLE]?

**BLOOD:** I mean match the average minimum wage across the state

**KAUTH:** OK. And then the 30 percent you're talking about, how many people are coming from outside the state--

**BLOOD:** Right.

**KAUTH:** --to increase that up to 30 percent?

**BLOOD:** And right now, the bill says 20 percent.

**KAUTH:** Right. Right.

**BLOOD:** Which actually is fair.

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**KAUTH:** [INAUDIBLE] you think that's fair? Good. OK. All right. And then the concern is that it's-- it won't mean even playing field. Are you concerned with the dollar amounts? So for a city of a certain size, needs to have \$1 billion investment--

**BLOOD:** So--

**KAUTH:** --and different size cities, smaller investments.

**BLOOD:** I want to make this clear. This-- I'm speaking on behalf of Sarpy County. I've been asked-- so I want to be really careful and not say this is my personal thing. There are oftentimes I have to stand up and talk about things that are uncomfortable because I represent the fastest growing county in the state of Nebraska. And so their, their concern is that all new retail should receive the same tax exemption and not just Gretna.

**KAUTH:** OK. So they're not really concerned with the size of the project, it's just any new retail that comes in?

**BLOOD:** Even playing field, because there's a lot of communities that are struggling to bring in people. And the more tools that they have in their toolbox for economic development, the better they can do.

**KAUTH:** OK.

**BLOOD:** Which we know that.

**KAUTH:** Thank you. I appreciate that.

**BLOOD:** It's my pleasure.

**KAUTH:** I yield my time.

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

**LINEHAN:** Thank you, Mr. President. So I really appreciate that Senator Blood came to me this morning. So when I got up, I said I would talk to her, but I failed to say I would like-- I don't-- this is not, in our parlance of terms here, a friendly amendment. I would like you to vote red on Senator Blood's amendment. But with that request, I'm also saying that we will work between now and Select on some of her concerns and some of Sarpy County's concerns. But the other thing I've got-- this came up this morning on the turnback tax, all the things that go to smaller communities. I'm going to hand it out, but just to

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give you an idea, it starts back in 2005. It's four single-spaced pages. In '21, Scottsbluff got a ball field, Cozad a rec center, Blair a community event center and sports complex, Bink-- These were grants to these cities: Binkelman, Imperial, Kimball, McCook, Spalding, Malcolm, Nebraska City, Walt Hill, Murray, Staplehurst, Gretna, Ponca, Wisner, Calloway, Bellevue, Lexington, Pawnee City. I'm sure there's something in here for North Platte. I haven't-- I can read the whole list since we're burning time here. [INAUDIBLE] the beginning it's Kimball's. You know what? I'm not seeing anything for North Platte. You need to talk to Lynn Rex. Yeah. Anyway, there's significant sums of the turnback tax. And this is clearly, we all know this, we're in the Legislature, you have to negotiate. So clearly, when Omaha and Lincoln were getting turnback taxes, people in the rest of the state wanted their share. And would Senator Ibach pause for a question?

**KELLY:** Senator Ibach, will you yield to some questions?

**IBACH:** Yes, I will.

**LINEHAN:** Senator Ibach, you mentioned this morning in the briefing that you were familiar with this program.

**IBACH:** Yes, I am.

**LINEHAN:** Have you seen it used in your community?

**IBACH:** I have. Imperial got a nice grant last year and a lot of the smaller communities in District 44 have been recipients of these grant funds. And they're very helpful for rural communities to help with recreational projects, community projects, and they've been very beneficial.

**LINEHAN:** Thank you very much, Senator Ibach. So again, I'm here if you have questions. I also-- and I will have the pages hand this list out. I'm not going to have the pages hand this out because it's a little booklet. But if anybody's interested, I have the proposal for the addition to the CHI Center in Omaha that's also part of this bill. It's really lovely, and I'm very excited about it. So if anybody-- I'll have the pages, if they would come and do this. And then if anybody else wants to look at this, it's on my desk. Thank you, Mr. President.

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

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**von GILLERN:** Thank you, Mr. President. I was wondering if Senator Blood would yield to a few questions.

**KELLY:** Senator Blood, would you yield to some questions?

**BLOOD:** Senator Linehan, I'm trying to wrap it up. They keep talking to me. Yes, Mr. President, I'm happy to yield.

**von GILLERN:** Thank you, Senator Blood. Thank you for pronouncing my name properly earlier. Thank you. Appreciate that. You mentioned performance indicators. And in the bill there are some requirements for reports to the Department of Revenue in order to ensure that the proper amount of sales tax is being collected and forwarded. What, what other kind of performance indicators might you be interested in seeing?

**BLOOD:** And thank you for that question. It would, again, not me personally, but the folks from Sarpy County would like to see a public hearing.

**von GILLERN:** It's-- I'm sorry, say that again, please? I've got a conversation going on.

**BLOOD:** All right, you guys, quiet down over there. So it's not me personally that wants the indicator, it is the folks in Sarpy County, and they would like to see a public hearing. They want to make sure that we're very transparent. And not everybody would know to go to the Department of Revenue to look for a report like that. So they would like to have a public hearing where communities could come in and testify and compare notes.

**von GILLERN:** And how would that be different than the public hearing that the Revenue Committee held several months ago?

**BLOOD:** Well, because your public hearing was on the actual bill, not on the performance of the bill.

**von GILLERN:** OK. Even though that bill had some performance requirements within it. So I'm following your question. Thank you.

**BLOOD:** Fair enough.

**von GILLERN:** Additional question. The-- you, you seem to express some concern, or at least on behalf of Sarpy County, about the minimum wage or a fair wage. I'm not sure where that concern comes from be-- I mean, obviously, we have a new minimum wage statute that's-- that,



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that is in progress. And fair wages, as we've talked about, the market is driving fair wages. Is there a concern there that I'm not understanding or could you add some color to that place?

**BLOOD:** Well, actually, Senator, that's a really good question. As you know, if you followed the Legislature over the last decade, that it's not uncommon when we impose economic development types of legislation, that we also put in markers for fair wages. We want to make sure that if indeed we are giving out corporate welfare, that our citizens benefit financially from it within reason. And so by comparing what the average minimum wage is in Nebraska as opposed to going to the ultimate minimum wage amount, we might-- may be able to help lift up several more Nebraskans or hundreds of thousands of more Nebraskans that choose to work in that area.

**von GILLERN:** Is there another bill or a model program that you wanted to follow for that, or would we be starting that, that progress from scratch?

**BLOOD:** I'm sorry, I don't understand that question, can you repeat that?

**von GILLERN:** Would you-- is there another bill or another program that's in place that would help to find-- fair wage means something different to, to everyone. Is there another process that's in place that could be adopted in order to ensure that?

**BLOOD:** No, I mean that-- you can just tweak the language and make it happen in this bill.

**von GILLERN:** To define what, what qualifies as a fair wage?

**BLOOD:** Right. You can do a-- make it comparative. That's what we've done in other economic development bills. I'm sure I could find actual instances where we've done that in the past and share that with you.

**von GILLERN:** OK. Thank you. And then lastly, and I don't mean this to be smart aleck, Gretna is in Sarpy County.

**BLOOD:** It is. But Gretna has not come to me, it's been the other mayors of Sarpy County.

**von GILLERN:** OK. And then is the, is the Sarpy chamber involved in this conversation at all? What do they weigh in on this?

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**BLOOD:** To be really frank, the Sarpy chamber is not very active in Nebraska politics, and haven't been for as long as I've been connected with them, which is decades.

**von GILLERN:** OK. Thank you so much for answering those questions, appreciate it.

**BLOOD:** My pleasure.

**von GILLERN:** I yield the remainder of my time.

**KELLY:** Thank you, Senators. Senator DeKay announces some guests in the north balcony, fourth graders from Bloomfield Elementary, Bloomfield, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Lippincott, you're recognized to speak.

**LIPPINCOTT:** Thank you, sir. I was wondering if I could ask a question to Senator von Gillern.

**KELLY:** Senator von Gillern, will you yield to a question?

**von GILLERN:** Yes.

**LIPPINCOTT:** Yes. Just to piggyback on your discussion with Senator Blood, do you have additional information for that?

**von GILLERN:** Sure.

**LIPPINCOTT:** I yield my time.

**von GILLERN:** I don't know if you had a specific question that you wanted to ask about. Yeah. No. Some of the things that, that I just-- that were just spoken of with, with Senator Blood, I appreciate her concern, her interest. I really appreciate her speaking on behalf of her constituency. And it does sound like it's a little bit and I don't-- not necessarily say fractured, but she has multiple entities that she's trying to represent. And I think all of us can appreciate that. We all represent multiple entities in our districts. So as far as the performance indicators, I'd spoken before within the bill that there are reporting requirements for the Department of Revenue. The fact that we're, we're-- this is a, a new program and it's, it's a little bit unusual. In fact, it's even commented to in the fiscal note that they said that a half of a clerk's time would be required in order to review those reports on an ongoing basis. So the, the developer, the owner of the project would have to submit those reports on a regular basis in order to qualify and continue the program. And

again, a comment that I shared earlier, and I think it's really important is there is-- this is-- this comes at no cost to the state of Nebraska. If this development doesn't happen, it's at no cost. If it does happen, it's at no cost. If it doesn't happen, there's also no revenue, potential revenue associated with LB692. If it does happen, there's substantial revenue for the state of Nebraska. The fact that the sales tax is discounted for a number of years until the project infrastructure is paid for, certainly is the state of Nebraska's chip in the game and, and incentive in order to make a project happen that by all of our best knowledge would not happen otherwise. So, so it's, it's important that we recognize the fact that there are performance metrics within the project that would require the developer to live within the, the constraints of the bill. Senator Blood talked and we'd had some conversation about fair wage. And in my previous life as a, as a contractor, I've seen that language in multiple contracts and multiple project specifications. And I can tell you it's a very tricky thing to, to deal with, particularly when you're dealing with different entities. One of the bases that, that is often used, particularly in federal-- federally funded projects, is Davis-Bacon wages. And though-- that's a conglomeration of wages from-- that are compiled from around an area that are considered to be the, the wage that represents the trade-- different, different trades in that area. And they're typically higher than the wage that is, that is paid within the area. But, but again, it's a conglomeration of a number of different wages. We've seen other cities, Omaha has experimented with, and I'm not sure right now if they have a fair wage standard. They had a living wage standard. I've seen other districts and other entities impose healthcare requirements and other things to be mandated by an employer in order to be qualified as a fair wage. And then to, to my point about Gretna being in Sarpy County, that's-- obviously, that's stating the obvious, but certainly the, the county will benefit in many respects by having Gretna-- by this project being successful in the city or around the city of Gretna--

**KELLY:** One minute.

**von GILLERN:** --just as-- thank you, Mr. President-- just as other entities benefit when cities within their counties do well. So sales tax isn't the only tax-- I mean, there is, there's nothing in this bill about property tax, so this-- these entities will, will pay an increased property tax which will help the school districts and, and the local entities in Sarpy County. So I think it's a win, win, win. And Sarpy County certainly will benefit. Whether the cities of Bellevue and Papillion and La Vista benefit directly, they'll benefit

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indirectly through the county performing at a higher level. So thank you, Senator, for your question.

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

**HOLDCROFT:** Thank you, Mr. President. Will Senator, Senator Blood yield to a question?

**KELLY:** Senator Blood, would you yield to a question?

**BLOOD:** I don't know what else I can say, but sure.

**HOLDCROFT:** Thank you, Senator Blood. I assume you're responding to the letter from, from the mayors of Bellevue, Papillion and La Vista and-- in your statements here.

**BLOOD:** No, that would be incorrect assumption. It was based on conversations I had with the mayors.

**HOLDCROFT:** OK. Conversations with those three mayors?

**BLOOD:** Um-hum.

**HOLDCROFT:** So nothing from, from Gretna or Springfield.

**BLOOD:** I have not talked to them, and I have not said that I've talked to them.

**HOLDCROFT:** And also from the county board, from any members of the county board concerning this issue?

**BLOOD:** I don't think so. Not in the last 30 days.

**HOLDCROFT:** OK. Thank you very much, Senator Blood. I would just like to add a few other things. This is-- this will mostly benefit my district, to which is west and south Sarpy County. So this is really a-- it's a benefit for, for Gretna, for, of course, Nebraska Crossing, and for, and for Springfield. But I would also point out that I have another bill in which the-- actually it's in the Governor's budget for a wastewater treatment, which is going to greatly benefit Bellevue and Papillion primarily, and not Gretna. So I'm not sure why we are trying to single out certain cities and saying we're not supporting them and we need to do something because we're passing bills that benefit other parts of the county. So with that, I'll leave the rest-- yield the rest of my time.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I want to immediately respond to that. Not once did I say that this was a bill that should not pass. Not once did I say that it's not important that this happens for Gretna. What I said is I want to talk to Senator Linehan and make a few tweaks. And I think she's open to those tweaks, because when we've talked one on one, we have an understanding that the things that I'm truly asking for are quite reasonable. And yes, the wastewater treatment should be passed. Because in order for, for Sarpy County to continue to be the fastest growing county in Nebraska and to support the infrastructure that we have, we have to have that happen. So we are very thrilled that that indeed is going to be moving forward. And thank you to the Governor for when he signs that. So I just want to make it really clear, just because somebody said something on the mic doesn't make it so. And there's an example. I'm not trying to sink this bill. I'm not trying to say that Gretna doesn't deserve to have this pass. I'm just saying I want a few tweaks. And in reference to the reporting requirements, reporting-- reporting requirements are not performance indicators, and not public. They're available to the public, but it is not a public hearing. And in reference to the living wage, by the way, there's a living wage calculator that any monkey could use. Its livingwage.mit.edu, if you wanted to know what the average and fair living wage would be when we're talking about Nebraskans. So we talk about things, and I know when we love something to death, or when I'm asked the same questions over and over again that we're trying to kill time. And I respect that because we want to make sure that when we try to move bills forward, we have enough votes. So good on you. But had you actually listened to what I was trying to do, it was to start a conversation, not to try and sink a bill, not to try and add grandiose amendments onto it that would ruin the bill or be a poison pill. It was to start a conversation with Senator Linehan and to make sure I didn't make her angry in the process, because I do have respect. And with that, had you not asked so many questions, I would have done this sooner. I would like to withdraw my amendment.

**KELLY:** It is withdrawn.

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

**KELLY:** Mr. Clerk.

**CLERK:** Mr. President, Senator Blood would move to amend with AM1785.

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

**BLOOD:** Thank you, Mr. President. Excuse me. Fellow senators, friends all, full transparency, I have not had an opportunity to discuss this amendment with Senator Linehan. So Senator Jacobson's talking to her right now. So I hope she's listening that I just told her that I was aware that we hadn't had a chance to discuss this amendment. So to be really frank, I had not planned on bringing this amendment forward until I heard that we were giving a tax break on twine. And I understand the use of it, and the purpose of it, and why it's important that we do give a tax break on that. But what many of you don't know is that years ago when we didn't have the funds, I had a bill in reference to breastfeeding. And we had a great hearing and it was a really good bill in Revenue. But because there was a fiscal note attached to it, we decided to only take out the part where you couldn't be cited for breastfeeding in public, which at that time in Nebraska, had someone been offended by the curve of your breast while you're breastfeeding your child, you could have been cited. They could have called law enforcement. So we got half of the bill through, but the half that was really important was sales and use taxes on the gross receipts for the sale lease or rental of, and the storage, use, or other consumption of breast pumps, and breast pads or nursing pads, and storage supplies. So we have not had a hearing this year, but we have had a hearing on this. And I feel that we talk so much and we're going to talk about it tonight about how we're a pro-life state and it's about the babies. You can't get much more about the babies than providing nourishment and love, the love that they get through breastfeeding. And so last minute decision, and I'm sorry, Senator Linehan. I didn't get a chance to talk to you about this. I don't have high hopes because people are making it clear that, like, we're stepping on their territory any time we try and make amendments like this. But I want you to, like, actually listen to what I'm saying. Now, if children are important to you, we know we've gone through the process on this. The fiscal note was small when we had it the first time. Why would you not want to make breast pads and breast pumps? You know, we know more, more married couples here in Nebraska work than any other state in Nebraska. So we have a lot of breastfeeding moms that have to go to work but want to keep providing that nourishment for their children. We also know that we have a lot of moms that are breastfeeding moms that also provide milk to preemies here in Nebraska and kids with really serious issues when their own moms can't provide that type of nourishment. And so this is my feel good amendment. And Senator Linehan, I have no more amendments after this. I hate that she's my rowmate when I'm in trouble. Otherwise, it's kind of cool.

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So, you know, if you're going to ask me questions, ask me questions about the bill. I know that this is kind of out of order, and you can stand up and say this is out of order or whatever, but I'm serious about this. This is a drop in the bucket. If we truly embrace mothers and children, why the heck are we taxing things like breast pumps and nursing pads? It's ridiculous. And so with that, Mr. President, I just ask that everybody vote green on this amendment. And if not, no hard feelings.

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

**MOSER:** Thank you, Mr. President. Good afternoon, colleagues. This morning we had a discussion, kind of back to the main bill, about the constitutionality of bonding to build highways. And so I have some information that is kind of enlightening along that way from Article VIII, Section 1: The bonding is possible provided, that the Legislature determines by a three-fifths vote of its members elected thereto that the need for construction of highways in this state requires such action. It may authorize the issuance of bonds for such construction, and for the payment of the interest in the retirement of such bonds it may pledge any tolls received from such highways, or it may irrevocably pledge for the term of the bonds all or part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees. And then it goes on to, to talk about some issues with flood control that are also bondable. So that's the section of the constitution that we're referring to with the letter that I got from the legal department at the Department of Roads. So the Build Nebraska Act currently funds the Highway Capital Improvement Fund with sales tax revenue. And the Legislature can use sales tax revenue to build highways. The constitution limits the revenue that the state can pledge to pay highway bonds. These bonds must be paid from revenue that is derived from sources closely related to the use of such highways, such as motor vehicle tax or motor vehicle license fees. There are no current sources of law that determine whether sales tax revenue is closely enough related to the use of highways. The amendment avoids the constitutional question by exchanging the source of funding for the State Highway Capital Improvement Fund, from sales tax to motor vehicle fuel taxes, motor vehicle license fees, and other revenue sources that are closely related to highways use. The sales tax currently funding the State Highway Capital Improvement Fund is then credited to another Department of Transportation account, which is used to build highways but not used to pay the bonds. In all other ways, the Build Nebraska Act remains unchanged and will continue to be

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an effective tool for expediting, expediting the completion of the Nebraska expressway system. The section of Highway 30 that was built from Schuyler to Fremont was built in sections, five, six, seven miles at a time. And it's been done over a long number of years, I don't know, 10, 12 years maybe, more or less. And this is a case where they could have issued bonds and built that all in one section and it would be done. We'd be driving on it. It would address safety in that area of Highway 30. There have been numerous crashes of both local citizens and just people traveling through the state. It would be built-- it would have been built at a lower cost. And you'd only have one mobilization. You don't-- for the contractor, you'd only have to deal with one contractor. The contractor could lease his equipment for longer periods of time, knowing that he's guaranteed to get all that work to connect Fremont to Schuyler.

**KELLY:** One minute.

**MOSER:** Just a lot of advantages to being able to build that in larger sections rather than so many small segments. So that's kind of the rationale behind the, the bill. And then the explanation of the constitution was just so that those who asked those questions could be assured that we've considered those limitations and we're addressing those. Thank you, Mr. President.

**KELLY:** Thank you, Senator Moser. Senator Hughes has some guests in the north balcony, 14 fourth graders from Emmanuel-Faith Lutheran in York. Please stand and be recognized by your Nebraska Legislature. Senator Linehan, you're recognized to speak.

**LINEHAN:** I do remember Senator Blood's work on this issue and-- actually talking about sales tax exemptions brings back so many bad memories. So it's not actually about Senator Blood or her bills, just that hearings that go to midnight and-- but we can-- I'm-- do research on this. I don't think-- because this-- Senator Blood, I know I didn't give you a heads up, but could you yield to a question? It's not a hard one, I don't think. It's not a gotcha.

**KELLY:** Senator Blood, would you yield to a question?

**BLOOD:** Yes.

**LINEHAN:** This wasn't a bill you brought this year. This was a year ago or two years ago, or three years ago?

**BLOOD:** Two or three years ago, to be very honest. And I said that at the beginning, this was not a bill from this year. And the only reason



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I even thought of it was because of Senator Slama hitching a ride with the twine thing.

**LINEHAN:** OK. Thank you very much. So I would ask for you not to support Senator Blood's amendment, not that it's not a good idea. Here's, here's the situation, Senator Blood. There's already things in this package that are kind of-- it's going to have-- be over the price tag the way it is. So when we get to Select, we're going to be taking things out instead of adding things in. So it's not because your idea is not a great idea, we just didn't have it in the committee this year. And I would ask that we don't add it because at this point, I'm almost certain it would have to come out, even if they're really little fiscal note. So thank you very much.

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

**BOSTELMAN:** Thank you, Mr. President. I want to speak a little bit about DOT, Senator Moser, what you just spoke about, which caught my ear pretty heavily here, which brings back my comments on the County Bridge Match Program. Basically, what Senator Moser was saying is that any sales tax, fuel tax, or otherwise, DOT can sweep it, take it, and use it for bonding. That's what basically I think the conversation with the director and myself was, was that they weren't going to fund County Bridge Match anymore because they were going to take it, take the funds. So that concerns me a great deal, because I've had a significant number of county highway superintendents from across the state email me, thanking us, thanking you, thanking me for the amendment that we put on, on the County Bridge Match Program. This is critical. I can't emphasize that enough to our counties. This is a significant part of what they do and how they're able to-- to repair or replace bridges across the state and our counties. Either they work together to buy, to, to purchase culverts, box-- box culverts and stuff to work together so they can do multiple projects across county lines at a time or otherwise. It's a critical item for them, and I'm not willing, and I hope you're not willing, to allow them to continue to sweep those funds. So one thing I would like to talk with Senator Linehan on between now and Select is ensuring that our fuel tax funding is-- a portion of it remains with our County Bridge Match Program. That needs to continue to happen. Those funds can't be swept. Those are-- those funds also go to community development. So my concern is-- and DOT better be listening loud and clear-- is if your thought is, is you're going to go sweep all these tax dollars in all these areas and forget about the programs that are highly successful, like the County Bridge Match Program in the state, we've got a

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problem. We got a problem. So I would like to work with Senator Moser, Senator Linehan between now and Select specifically to figure this out, because that's just not something that I feel we as a state should do, because every county in the state can benefit from this. And they take-- and they do benefit from it. This is, once again, a very significant part of what our counties do. And it's, it-- we all pay fuels taxes in our counties, right? We all buy fuel and pay fuel taxes. Part of that-- those funds should come back to our counties in this form to pay for it to help us repair or replace those bridges. This is a great program. I think the late Steve Mika was a county supervisor, highway supervisor in Saunders County, was one of those who helped start this program, or was at least a significant influence in the program. He talked to me about it quite a bit, the importance of this and how it worked. This can't go away. This won't go away. I will continue to work on this, and I will ask others to continue to help me to work on this. We do have it. The amendment does help that we had in LB818. It does help-- help with about \$11 million, I believe--

**KELLY:** One minute.

**BOSTELMAN:** --over the next six years or so. But we need to be able to or and-- we need to be able to ensure portion of those fuel taxes rightfully need to come into that County Bridge Match Program to make it viable, successful, and continue because we have hundreds, hundreds of bridges that are closed or need repair. We need to make that happen. Thank you, Mr. President.

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

**CLEMENTS:** Thank you, Mr. President. I also was interested in the bonding. I was concerned about the bonding issue. And see in the fiscal note that there is a limit of \$30 million on the payments. Would Senator Moser yield to a question?

**KELLY:** Senator Moser, would you yield to a question?

**MOSER:** Yes, of course.

**CLEMENTS:** Senator Moser, is there a limit of \$30 million on the payment in the amendment that you have?

**MOSER:** I believe there's another amendment that increases that to \$35 million. The total of \$45 million is large enough that it may require

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more than \$30 million to retire those bonds. And so I think that's why they arrived at \$35.

**CLEMENTS:** You mean the total of \$450 million?

**MOSER:** Yes. Should they find it advanta-- advantageous to issue bonds, that question has to be answered first. But yes. Then they need the 30-- they could need up to \$35 million to pay those bonds off. But that's-- needs to be paid--

**CLEMENTS:** Is there a--

**MOSER:** --out of revenue from the sales tax, which goes into a different fund. And then the bonds would be paid from the motor vehicle tax. And so it's kind of a, of an account shuffled to make it constitutional.

**CLEMENTS:** And how about the 19 year limit? Is that fixed in your amendment?

**MOSER:** It's up to 19 years. That is correct.

**CLEMENTS:** That's the maximum. All right. But why was--

**MOSER:** And then there's the-- an extension of the Build Nebraska Act, too. The Build Nebraska Act currently expires in 2033. So you couldn't have a 19 year bond with a 10-year revenue stream supporting the Department of Transportation. You'd have to have 20 years to match a 20 year bond. But all that bonding is dependent on it making sense for the Department of Roads to do that. The construction inflation would have to be higher than the current bond rate. They would have to have projects that would benefit from being built in bigger segments. They wouldn't necessarily want to connect-- or wouldn't want to try to join projects that are far flung. It's, it's all in the name of efficiency, and if it doesn't improve efficiency, then they're not going to do it.

**CLEMENTS:** The-- but the amendment we're voting on or the bill today is \$35 million limit on debt service payments?

**MOSER:** I'm not sure which amendment that--

**CLEMENTS:** OK.

**MOSER:** --correction is in. We have one other amendment.

**CLEMENTS:** That's going to be proposed. OK.

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**MOSER:** Yeah, we may not get to it today.

**CLEMENTS:** I was noticing that \$30 million a year for 19 years on \$450 million. You can only have a 2.5 percent rate to be able to service that. If you get to 4 percent, you're down to \$394 million. But yes, \$35 million a year, as long as the rate is 4.25 percent or less, it would service that in 19 years. But I-- is there a concern that we may run out of some highway funds if we spend them all on debt in the future?

**MOSER:** Well, first of all, I commend you for being the only person that thought to do the math and see whether it all worked out, because that was contemplated in the construction of the, the bill in the first place. And so I'm glad that somebody is paying attention to what's going on. And second of all, it does have to make sense. Again, it has to-- it has to be more efficient and save the state money. It's not to rush to build roads at bad prices and get us behind the eight ball. It's supposed to be done to complete the Build Nebraska Act and to complete the expressway system. I think there is language in there that would allow it to be used in other places.

**KELLY:** One minute.

**MOSER:** But \$450 million is a drop in the bucket compared to the total construction budget. You know, there's-- it couldn't fund everything the Department of Transportation needs to do.

**CLEMENTS:** Is there a sunset on this in 19 years or just is it perpetual?

**MOSER:** Yes, the Build Nebraska Act would, would expire in 2042, 2043. I'd have to look at the--

**CLEMENTS:** About 20 years. OK. Thank you, Senator Moser. And I-- with as long as we can keep those limits of spending, I'd like to keep current year's money for current year projects rather than getting into debt where we're needing to use our budget for past spending. And I've appreciated Nebraska being a state that doesn't get into debt, and--

**KELLY:** That's-- it's your time, Senators.

**CLEMENTS:** Thank you.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends, all. Senator Bosn was nice enough to come up and chat with me a little bit about this amendment. And she is right that since I first brought this notion forward, that the ACA now considers breast pumps as durable metal-- medical equipment, and so there are certain breast pumps that they will recommend, and most will cover a personal use pump. But I remember during the hearing, one of the concerns was when the insurance did cover it, is they only cover specific types. And so it might be manual, it might be electric. And as women know in this room that have breastfed, the manual ones can cause permanent damage to your breast tissue and can be really painful. And maybe I'm old school and maybe nobody that's younger than me knows about that. But in my, in my days-- and-- but they don't cover the nursing pads. They don't cover the storage supplies. And that's really a drop in the bucket compared to some of the money we've given out to big corporations this year. And so I think there's room for negotiation because clearly we're killing time. But I don't know, I-- you know, we eliminate taxes on things that I don't always understand. I think we should never again tax groceries, and I think it's great that we haven't done so. I think we've had-- Senator McKinney's had his bill in reference to period poverty supplies. I think that we've made it accessible in the prisons, or at least we've had a bill on that for women. You know, it's expensive to be a woman. There are a lot of expectations, especially when it comes to motherhood, that we should be embracing. We talk about it all the time on this floor. Here's an opportunity for us to put our money where our mouth is. And granted, as Senator Linehan said, this is an old bill. I'm not pretending, and I was very transparent at the beginning. But we did have a public hearing and it was a very positive public hearing. And I can tell you that bringing it back next year isn't going to change the fact that it needs to happen. And so, am I living dangerously throwing amendments here and there? Probably. But they're all, although not a friendly amendment, they are a friendly amendment in the way that I'm proposing them. And yeah, this bill has a lot of moving parts. So with all those moving parts, would you even notice this teeny tiny amendment in that great big bill? I don't think so. I think we could get away with it. I really-- I want you to kind of, like, calm your minds, get yourself in a good place, and think about all the mommies and babies that we're going to help with this little teeny amendment. That's pretty spectacular. We can decide today that we're going to be good supporters of our mommies and our babies, and we're going to say, you know, we know, especially with inflation right now, that you're living paycheck to paycheck and you shouldn't have to use old washcloths in your bra because your breast milk is leaking out and you need to go to

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work. You shouldn't have to use old-- you shouldn't have to use sanitary napkins. I know a lot of the mommies have to do that because they can't afford breast pads. Let's do something nice today. Let's put some good energy out into the world. Because I have a feeling when we get to tonight, there's going to be some harsh energy going on. So maybe we'll put some good karma out and make a difference. So let's not call this a hostile amendment. Let's call this a friendly mommy/baby oriented amendment, and let's do something good for the mommies of Nebraska.

**KELLY:** One minute.

**BLOOD:** The fiscal note is going to be a drop in the bucket, especially since we know that insurance companies pay for the vast majority of breast pumps. So really, when it comes down to it, we're talking about storage and nursing pads, and should a tube or something break and you had to buy a new tube. I don't have high hopes, but you can't blame a senator for trying. Thank you, Mr. President.

**KELLY:** Thank you, Senator Blood. Senator Albrecht has a guest under the south balcony, her husband, Mike. Please stand and be recognized by your Nebraska Legislature. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. I will tell you that if, if, if what happens out in the Gretna area is pulled off, it'll be one of the greatest economic development areas that we've seen, at least in my lifetime. And maybe many, many of you who are a little more seasoned will have a nice lake, will have a huge youth sports conte-- complex, and will have all your local shopping needs right there at a retail development. I am all in favor of that kind of development. In fact, when STAR WARS was first mentioned, I kept saying, we have so many people who leave Omaha to go to Okoboji and to Missouri to fish, boat, we need something like this on the eastern side of the state. And for Lake McConaughy [INAUDIBLE] that's so great. I can drive to the Ozarks just as fa-- far as I could drive there. So people are picking down south where the weather is a little better and little, little different activities. So I support this. But I also can't support this at the expense of north and south Omaha, to be blunt about it. This would, again, devastate the youth sports that are already being devastated. So I'm going to tell you a little history here about north Omaha. North Omaha used to have the premier basketball league in the Midwest. How people currently drive to play soccer in Kansas City every weekend? Yes, there are a lot of families who drive down there in my district and across everybody's district, at least in Omaha, at

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least once a month for the weekend, maybe a couple of times a month to play youth soccer down there. That same kind of atmosphere was on 24th and Cuming. It was called Kellom. Kellom Elementary School was the premier sports league. Kellom Elementary School had the likes of Andre Woolridge, who maybe you are a Iowa fan, Kenya Crandell if you're a Kearney fan, and many NBA players dating back to the sixties. I can name them all, but we would be here forever. I only mention those two is because those two taught me how to play when I was in second grade. So I actually learned how to play from some of the best. And Kenya, Kenya is now a UNO coach, and Andre is still playing-- well he's not playing anymore overseas, but he is coaching youth development out in Sacramento. He was all big at the time, Big Eight [SIC] for Iowa, if you recall who Andre Woolridge was. I can talk about Terrance Badgett at Nebraska. I could talk about Deron Boone, Ron Boone, who played in the NBA, all of them at the Kellom League. Why is that important? Because the Kellom League became decimated and disappeared about 12 years ago when OSA opened up on 120th and Maple. Great basketball league, have nothing against how OSA was ran, but the number of courts has never been done before in Omaha. So when you wanted to hold a basketball tournament, you wanted to hold a basketball league, it's easier to run, it's more efficient underneath the 6-- 4 to 6 courts. The side effect of that was the east Omaha leagues disappear, and you had people who had to travel. It took away the culture. So let me tell you how it used to be on 24th and Cuming. There was a little place called Little Vietnam. It was the projects on 24th and Hamilton, right next to Kellom Elementary School, where there was a shooting there almost every night, except for on Saturday. Saturday is when the league played. Saturday started at 8:00 in the morning. You spent all day down there, if you weren't running to get your hair cut and coming back. And you used to walk down to the McDonald's--

**KELLY:** One minute.

**WAYNE:** --right off of 24th and Cuming. It was a staple in the community. And when that disappeared, part of that community disappeared. And so when I see the articles come out on this development and I see people from outside of Omaha who want to build a youth complex, I go back to that story and that thing that I lived where we no longer played at Kellom. Where the kids I coached didn't have that history of where they came from and that community lost part of that pride. I bring that up because there are many, many schools that I'm trying to explain how important sports are. And maybe people don't understand that. There are many schools right now who refute-- refuse to merge in western Nebraska because they don't want to take away that local pride of their local sports. And I see many rural

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senators nodding their head. Sports are ingrained in our culture. They are ingrained in our education--

**KELLY:** That's your time, Senator, but you're next in the queue.

**WAYNE:** Thank you, Mr. President. That same sports is ingrained in east Omaha, and I can tell you that when COVID shut down and then Omaha Public Schools wouldn't allow people to participate or practice in their facilities, you saw a direct correlation in the juvenile violence that increased in east Omaha. These kids had nothing to do. And if we can't figure out how to offset-- we have fields right now in east Omaha that have holes that you could fall in and not come out of, Senator Erdman. True, they're not that deep, huh. That was, that was wrong, Senator Harlan-- Halloran. But my point is, that's part of our culture. So I'm trying to work from General to Select to make sure we don't lose that east Omaha field. We don't have baseball. Black baseball in Omaha is almost gone. There used to be a Martin Luther King League that is no longer existent because it moved to Country Club, and then the Benson Little League. I played for both Benson and Country Club. Country Club right now is-- was Immanuel Hospital's old land. Immanuel Hospital sold that, now that is a, a Quality Living Center [SIC], QLT-- QLC, I'm saying their name wrong. That's in my district. Devastated that community, I was a part of that community. We had nowhere to play, and so Benson Little League picked us up. That's why it's so important. Yes, it is a \$1 billion industry. Yes, it'll be great to the Gretna area. And if it pulls off between a lake, and the retail, and the youth, it's going to be booming. But not at the expense of all the kids in east Omaha. So we have to find balance. And that's what we're trying to do. So I won't vote negative on this bill, a no. I will be what my good friend Senator Erdman hates me to do is present not voting, because I hope to work out an amendment to make sure we save youth sports in east Omaha. And again, to put that in perspective, you have a 12-court facility going up on 214th and-- 204th and Dodge. You have new soccer fields that were just done in Ralston. You have Tranquility, the park in the city of Omaha, who have been trying to get that updated for years. But when people are building new facilities around them, it's hard to get that done. Also, you have Elkhorn Sports [SIC] Association who is looking at building more soccer fields and more-- and another facility. Papillion, their high schools literally are facilities, and same as Gretna. My daughter played out at a Gretna tournament and I walked in, I thought I was on a college campus. They have weights, and more gyms. I mean, it almost looked at K-- like KU when I went there. If I would have had those facilities when I was growing up, I'm telling you, Senator DeKay, I'd be playing in the NBA right now. But I had the nine and a half foot



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rim down the street that I had to learn to adjust my jump shot on. So it took me a couple, couple of shots to get back to where it was supposed to be on a ten foot rim when I went to high school. Sports are important. They're not the be all, end all. In fact, I wish many in my community wouldn't look for sports as a way out. But the reality is, if we don't provide them with that option, I can give you the data where our juvenile violence has increased. If you don't believe me, there's another good friend. She might be in the balcony, she might be outside, Jill Johnson. We were the only two freshmen who played at Northwest on varsity. And the culture that we had at that school because of sports is a game changer. This is the first time last year that no OPS team was in the state finals, not even state finals, state tournament in basketball. I can point to you that was a direct correlation to not having anywhere to play outside of school during COVID.

**KELLY:** One minute.

**WAYNE:** So that's why this is important. I can give you all the data in the world to support it, but at the end of the day, I want you to think about your small towns you represent. And every time there's been a talk about merging, you go back to that Friday night lights, that Saturday volleyball game, of why you don't want to give up that pride in your community. Some of you are so frustrated that they build new gyms just for that school who has 60 kids because that's how important for that community youth sports is, and that's how important it is for Omaha. Thank you, Mr. President.

**KELLY:** Thank you, Senator Wayne. Senator Lippincott announces some guests in the north balcony, third and fourth graders from Palmer Elementary, Palmer, Nebraska, Please stand and be recognized by your Nebraska Legislature. Seeing no one in the queue, Senator Blood, you are recognized to close on the amendment.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I'm going to ask you to live dangerously. AM1785 is a small, teeny, tiny amendment with a small, teeny, tiny fiscal note. Sometimes-- now I've hung out with you guys. I know you get group messages about whether you should vote green or red, so, like, don't pretend that doesn't happen. I also know one person in particular who orchestrates that quite often. What's the worst that could happen if you vote green on this amendment? When I brought the bill forward the first time, and it had both public indecency and the elimination of sales tax, one of the quotes that I remembered using was one from Pope Francis, and I know not every Catholic agrees with me, but he's my favorite pope because

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he's like the people's pope. And he always said, if they're hungry, breastfeed them without fear. Feed them, because that is a language of love. And the reason that he kept bringing this up in different arenas was because women were actually embarrassed to breastfeed in the Sistine Chapel, and their children would cry and they would feel the need to have to leave Mass to go and feed their children. I think about that every time I'm in Mass and I see a young woman feeding her infant during Mass. And it's like, I think that's a beautiful thing that she's sharing Mass with her infant, and that she's not embarrassed and should not be embarrassed, because she's not the one that sexualized her breasts. That was who-- God knows who. But it was not that mother. A breast isn't any different than an arm or leg. It's so vital to newborns, especially our preemies, especially those that have specific health issues. And this is an opportunity-- someone turn off your cell phone, please. If the pope can support public breastfeeding, why can't we? If every organization that we talk to when it comes to the health of infants says that breast is best when a mom is able to, or able to gain access to breast milk, why aren't we doing everything we possibly can to move it forward? And to be really frank, we may have had some bills that would have helped that. But because it's such a circus this year, both my breast feeding bills are still stuck in committee. Are there 25 people in here who want to live dangerously and take an unfriendly amendment and make it friendly and help the mummies and the babies here in Nebraska? I want to know. And so it's an opportunity for you to not be present, not voting, but to be green and say, you know what, I know this is a drop in the bucket, especially since insurance covers most breast pumps. And this is the very least thing that I can do today to support mummies and babies. And granted, this came out of nowhere. But when we did have the public hearing on this bill several years ago, it was met with great reception. And the only reason this part of the bill did not move forward was because that was when we had death by fiscal note. And that was every fiscal note. It could have been \$20 and it wouldn't have gotten a pass. And so I challenge you to put some green light--

**KELLY:** One minute.

**BLOOD:** --into our universe today, ignore your group text message that says to vote red, and show me that you can think on your own and that you agree that this is what's best for the mummies and the babies of Nebraska. Thank you, Mr. President.

**KELLY:** Thank you, Senator Blood. Members, the question is the adoption of AM1785. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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**CLERK:** 14 ayes, 25 nays on adoption of the amendment.

**KELLY:** The amendment is not adopted. Seeing no one else in the queue, Senator Linehan, you're recognized to close on LB727.

**LINEHAN:** I'd like to thank everybody that worked on this bill, all the sponsors. I'd like to thank the Revenue Committee. It's been very helpful, and we'll see you on Select. And I ask for a green vote on LB727. Call of the house, regular order. Thank you.

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

**CLERK:** 30 ayes, 2 nays to place the house under call.

**KELLY:** House is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. Excuse me. Waiting on one. Senator Aguilar, please return to the Chamber. The house is under call. All unexcused members are present. Members, the question is the advancement of LB727 to E&R Initial. There's been a request for a roll call vote, regular order. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern

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voting yes. Senator Walz voting yes. Senator Wayne not voting. Senator Wishart. Vote is 44 ayes, 0 nays, Mr. President, on advancement of the bill.

**KELLY:** LB727 is advanced to E&R Initial. Mr. Clerk for items.

**CLERK:** Mr. President, amendments to be printed. Senator Conrad to LB531. Senator Machaela Cavanaugh to LB727. Senator Hunt to LB810. New LR, LR178 from Senator Brewer. That will be referred to the Executive Board. That's all I have at this time, Mr. President.

**KELLY:** Speaker Arch, you are recognized for a message.

**ARCH:** Thank you, Mr. President. Excuse me. I was asked to provide an overview of the process now for LB574, which is the next item on the agenda, and so I wanted to just run over that. I think there's-- there-- there could be some confusion in language and so forth, and I just wanted to clarify that. You'll notice that the agenda item reads Final Reading motion to return to Select File for a specific amendment. So what we're about to do is we're about to go to Final Reading, so we need to be in our seats, as-- as we do with all Final Readings. It is a very specific motion to return to Select for a specific amendment. The-- the amendment, the specific amendment, is AM1658. And we will be on Final Reading for the entire process, and this is where it might get a little confusing because of Select File, the mention of Select File. We're on Final Reading for the entire process. And so what that means is that this is a two hours maximum for if it goes-- if it goes to cloture, it would be a two-hour; does not trigger another four hours' debate on Select. The-- the amendment is not amendable. It is a specific amendment, and so that is what will be considered if the motion is successful to return to Select for a specific amendment and the amendment is adopted, then it will be re-advanced to Final for Final Reading. It needs to lay over for at least a day at that point. And when it gets to Final, there is an additional amendment on file, so it would be in order for another motion to return to consider that specific amendment on its next Final Reading. All votes today will be 25 votes, with the exception if a cloture vote is required, which of course is 33. Thank you, Mr. President.

**KELLY:** Thank you, Mr. Speaker. Senators, I raise the call, but please remain in your seats as we proceed to a Final Reading. Mr. Clerk, for the agenda.

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**CLERK:** Mr. Clerk, Final-- excuse me, Mr. President, Final Reading, LB574. First of all, Senator Machaela Cavanaugh would move to recommit with MO85.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good afternoon, colleagues. It's critical for us to acknowledge the detrimental impacts of anti-gender-affirming-care legislation and take a firm stance against it. LB574 raises significant concerns regarding parental rights and the fundamental role of parents as primary ca-- caregivers and decision makers for their children's health and well-being, the economic development of our state, healthcare access for Nebraskans, a complete rebuke of the legislative process, and negative impact on our rural communities that are already struggling with healthcare access, and finally, but certainly not last, the potential for legal and financial implications this will have for the state. I'd like to start with parental rights. As parents, we are uniquely qualified to make informed choices for our children. In fact, members of this very body have argued the importance of upholding and protecting parental rights as the bedrock of a strong and stable society. They've gone so far as to tell-- to call parental rights fundamental rights. In another bill presented this session, Senator Murman wrote, every parent of a child in the state shall have a fundamental right to direct the upbringing, education, care and mental health of the parent's child. Those of us who are parents or caregivers know that directing our children's upbringing, education, care and mental health is a tough job, but arguably the most important and most rewarding one. By preserving parental autonomy, we recognize the deep connections and knowledge parents possess of their children and celebrate that unconditional love, empowering families to navigate the complex landscape of healthcare decisions while safeguarding the best interests of their children. Throughout history, we have entrusted parents with the autonomy to choose medical treatments and interventions that align with their religious, moral and cultural beliefs. Each family holds its own set of values and principles that guide their decision-making process. These beliefs often stem from deep-rooted faith and traditions. It is critical that they are respected and protected by our legal system. A vote for LB574 sends a clear message to the parents of Nebraska. They cannot be entrusted to make important decisions for their children. I don't believe that any of us here today want to send that message, but a vote-- vote for this bill inadvertently does just that. Colleagues, today we choose to recognize the unwavering commitment of a parent for their-- to their child. Parents are profoundly invested in their child's well-being and are

committed to seeking the most appropriate and beneficial healthcare options available, so let's choose to acknowledge and respect that. I'd next like to discuss the dangerous economic impacts this kind of legislation have. It is so dangerous that the business community chose to make its strong and vocal opposition to anti-LGBTQ legislation and rhetoric known. Numerous companies understand the vital importance of diversity, inclusion and equity. Hundreds, including dozens of major Nebraska-based corporations and/or organizations with large Nebraska footprints, have made their opposition to these bills clear. They know that discrimination against transgender folks not only harms the individual and their loved ones, but also tarnishes Nebraska's reputation as a welcoming and business-friendly state, making it more difficult to hire and retain great employees, recruit companies and event organizers, and even to fill our universities and colleges. Colleagues, I'm not naive enough to think that this opposition is purely altruistic. There's a reason corporations spend millions on DEI training, sponsorships and marketing to diverse communities and more. They understand that inclusion isn't just the right thing to do, it's the smart thing to do for their businesses. Inclusion is the smart thing to do for Nebraska as well. It is essential that we listen to these voices and carefully consider the long-term consequences for our business community and for economic growth and viability of our state. The medical community has consistently stood united in opposition to LB574. Nebraska physicians and healthcare organizations recognize the critical significance of affirming care for transgendered individuals. Dozens of doctors came to this building multiple times to share their concerns, to share stories, and to urge us not to strip away physicians' rights to make educated decisions for their most vulnerable patients. Healthcare providers understand, more deeply than most, that access to appropriate medical interventions, such as talk therapy or hormone therapy, is indispensable for the mental and physical well-being of transgendered individuals. Ignoring their expertise and denying access to necessary healthcare is both unethical and perilous. The Nebraska Medical Association and countless national medical associations, including the American Academy of Pediatrics and the American Medical Association, also actively oppose these types of bills. As legislators, it is our job to listen to these experts, to the individuals who have to deal with the repercussions of the decisions we make in this building, and our experts are telling us loud and clear to vote no on LB574. Negotiations surrounding the bill have had a total lack of transparency and genuine dialogue. When creating legislation that directly impacts people's lives, it is essential to foster an environment of openness and inclusivity. Even our local media has reported that the work on potential changes to the

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underlying bill have proven to be in bad faith and disingenuous. It has been particularly disheartening to hear the comment calling negotiations a listening exercise. Listening without taking into account anything you've heard is a hollow and empty gesture. It's hearing, not listening. Our constituents deserve better than that. Nebraska deserves legislation that is firmly rooted in empathy, understanding and a genuine concern for the well-being of all individuals. Nebraska deserves legislation informed by experts, created with integrity, and run through the filter of multiple perspectives. This is how we create a state that works well for everyone, not just a lucky few. LB574 will also have a detrimental impact on the health of rural communities. Those of you who serve our rural districts know that your healthcare systems are already strained. Access to specialized medical care for transgendered individuals is already limited in many rural areas. By further restricting access to affirming care, we are isolating and endangering transgendered individuals living in these communities. Their well-being should not be compromised based on their geographical location. We must ensure that everyone, regardless of where they live, has access to the healthcare they need. In addition, with the dangerous and very real shortage of healthcare providers in our rural communities, legislation that strips away a physician's ability to provide standard-of-care medicine to a patient makes it even harder to keep doctors engaged and working in greater Nebraska. And lastly, there are the legal implications of such a ban. Enforcing and defending anti-transgender-affirming-care legislation will inevitably cost the state time and money. Legal challenges are going to arise and have arisen in seven states, including Montana, Tennessee, Arkansas and Texas. The inevitable lawsuits will divert valuable resources that could be better utilized to address pressing issues such as tax cuts, infrastructure and education. As one of our colleagues said to the Nebraska Examiner, I came here to do property taxes and broadband. Colleagues, there are very real issues impacting the people of our state, and we've been tasked with the enormous responsibility to help. We must consider the potential financial burden imposed by this legislation and its impact on our ability to accomplish the things our constituents really need. We must ask ourselves if it is a wise allocation of our resources, both human and financial. The harm of anti-transgender-affirming-care legislation cannot be understated. It infringes on parental rights, disregards the opposition from the business community--

**KELLY:** One minute.

**M. CAVANAUGH:** --contradicts the medical consensus, lacks transparency, threatens the health of rural communities, and burdens the state legally and financially. Today I am going to ask you to listen, not just hear. I'm not even asking you to understand. Perhaps you have a hard time understanding why someone would seek this care. Perhaps you think parents should find a different solution for their children's suffering. I know that for a lot of us, these conversations are deeply-- deeply rooted in personal conviction-- and moral convictions. I understand that. But today I am asking you to listen and to vote for good and loving parents, vote for economic development for our state, vote for educated healthcare providers, vote for healthcare in our rural communities, vote for vulnerable children. And please, do not vote for LB574. There is a handout that I have given to everyone coming from the pages that outlines many of the things that I stated today. I hope you take some time to read it. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise today in favor of the motion to recommit and firmly opposed to LB574. Simply put, colleagues, LB574 is wrong. I think sometimes we beat around the bush with how we talk about things, and I think sometimes we try to make things sound a little bit more ambiguous than they actually are. But LB574 is wrong. It is bad policy. It is bad law, and it will actually have the opposite effect as to what the people who are supporting it believe it will be, which is that it's going to harm children. LB574 has already had a direct effect on children, LB574 has already had a direct effect on the families of transgender youth, and LB574 has already caused harm to the very individuals that the proponents of this bill say they're protecting. I don't say that to fearmonger, and I don't say that to try to make anybody here feel bad, but I think it's important that we make it very clear. LB574 is going to cause people irreparable damage, both emotionally, mentally, and physically. To the people who are at home watching LB574's discussion, who have been there since the very beginning, I want to say thank you. You've put immense amounts of effort into this. And for those who have continued to be able to do the emotional heavy lifting, I think it's worth saying thank you, because this is deeply personal. And Senator Cavanaugh is absolutely correct, that there's different motivations for people to be for this and different motivations for people to be against this. This is an incredibly personal bill to a number of people. But at the heart of it, it's just wrong. There's a number of reasons that I am opposed to LB574, but the reason that I want to first start talking about here today, as I'm sure we're going to have



many others talk about it, is exactly what Senator Cavanaugh started with talking about, which is that LB574 is the most blatant example of the government stepping into people's personal lives that I-- that I think we've seen this entire legislative session. It's the government telling people what they can and can't do with their bodies, and it's a great example of governmental overreach with regards to parents' rights for their families. The Fourteenth Amendment specifically says that we can't pass any laws that deprive any person of life, liberty or property without due process of law. I've talked about this at great length during discussions previously, but I want to highlight it again because I think it's important for us to understand that this isn't just a sense that we have that it's invading on parental rights, but, in fact, LB574 unconstitutionally violates the substantive due process that parents have to raise their kids. Our courts have long acknowledged that there are, in fact, fundamental rights to parenting children. Whether that is the care of your children, how to raise your children, or even what kind of medical care to get your children, that is a fundamental right that parents have, and what LB574 does is it seeks to violate the fundamental right of parenting. It seeks to tell parents what they can and can't do with their children, and it seeks to have the government step in and presume to know what's best for youth. And I have a problem with that, colleagues. I do. I think that what is clear is that there have been other laws that have been passed, and we've talked about this at great length, as well, such as the Arkansas law. And the Arkansas law, which was 626, their-- their Resolution 626, is nearly identical to LB574. And the district court, the federal district court in Arkansas, stopped that from going into effect because it said that it violated both equal protection clause, First Amendment, and due process clause of the Constitution. And specifically, what it hit on was exactly what we've already started talking about, which is that parents have that fundamental right to parent their children, and this violates that without an actual reason to do so.

**KELLY:** One minute.

**DUNGAN:** Thank you, Mr. President. Colleagues, I know that there's going to be a lot that's talked about here today, but I just wanted to urge you, again, to take stock of where we've come from and where we are. I was listening to a pastor speak a couple of weeks ago, and he talked about doubt, and he encouraged everybody in the congregation to have more doubt. He encouraged everyone to doubt the things they're told, doubt the things they believe, because without doubt, you can't think critically. And so I know we've had a lot of conversations around LB574 as time has gone on. But I would encourage everybody, as

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we sit here and actually listen for two hours, to have doubt and think about where we are today and where we got to where we are and what your beliefs are and question where those come from and question whether or not you really believe the government can step in and tell parents what's best for their children. So, colleagues, I would urge a yes vote on the motion to recommit to committee, and I stand firmly opposed to LB574. Thank you, Mr. President.

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

**BLOOD:** Thank you, Mr. President. Fellow Senators-- Senators, friends all, I stand in support of the recommitment and against LB574. And I ask, for those of you that are just staring forward, to please follow along on Uninet, because I want to talk about what I've talked about since day one, and that this bill is a mess. Other people are going to talk about why it's ethically and morally wrong. I want to talk to you about why it's technically wrong. So let's start with page 5, line 14, starting with: or other mechanisms to promote the development of feminizing or masculiz-- masculinizing features as an opposite biological sex or genital or nongenital altering surgery performed to alter gender. So the question that I have is that without invading somebody's medical privacy, how do you know what these procedures are for? Last I checked, you are not the genital police, although this bill makes me think otherwise. If you look at page 6, line 21, there's data that shows that one in five teens know at least one teen athlete who are using performance enhancing drugs. If you look at the top three PEDs, which are human growth hormones, testosterone and anabolic supplements, what you've created in the narrative of this bill mirrors why this is problematic language in your bill. For example, a female athlete using androgenic steroids will cause her to have masculine qualities. Breast size and body fat decrease. Skin becomes coarse. The voice deepens. Many experience excessive body hair and loose scalp hair. So if they use it too long, it's actually irreversible. Now the part of the bill says, with the purpose of assisting with gender alterization. So what happens is this is hyper-- hyperandrogenism, which means the body is in a state where it produces excessive production of male hormones. So based on your description of male and female and what justifies purposeful transitioning, this is one of the many gray areas that you guys have created with this bill. And frankly, again, who's going to police it? Will you take drug manufacturers to court, the sports doctors that prescribe these drugs? And by the way, it is 100 percent legal to buy testosterone on online websites like homehealth.com. Will you now be the testosterone police? Page 5, line 19, you say there are only boys or girls when speaking on

the mic, and you've said it over and over again, yet in this section you admit children can be born with medically verifiable disorders and can have both ovarian and testicular genitalia, which pretty much blows your theory for this bill completely out of the water. Page 5, line 30, gender-altering procedures do not include the acting chronic treatment of any infection, injury, disorder, etcetera, caused or made worse by gender-altering procedures. So what? What the heck does this mean? We don't want the surgery, but if there are medical issues when you have the surgery, we're not sure who's going to be held liable be-- but we want to make sure we give you a pass? So does this have a look-back component? Page 6, line 9, genital-- gender-altering surgery procedures performed for the purpose of assisting an individual with gender alteration, including, without limitation, hysterectomy are ovar-- ovariectomy for biologically female patients. So who are, of you guys, going to be-- which one of you are going to be in the office of the OB/GYN and whether you get to decide whether this is going to alter someone's gender or not? Do you belong in that office? Are our medical-- is our medical history not our personal history and not privy to you deciding what we can and cannot have? I don't think you can do that legally. Page 6, line 21, you allow cisgender children to utilize these medications, but not trans kids. So the right to health includes entitlements and freedoms. Entitlements include the right to a system of health protection that gives everyone an equal opportunity to enjoy the highest attainable level of health. Page 7, line 1, no facial feminization surgery-- it's a good thing--

**KELLY:** One minute.

**BLOOD:** --that Michael Jackson never lived here. Like it or not, we have a lot of privileged children in Nebraska who may very well choose to do many of these things, and you don't get to decide if making themselves more feminine or masculine or the reasoning behind it is something that you get to do. It's actually kind of creepy that I think that you believe you should be able to do that. 1.6 percent of our population identifies as trans or non-- non-binary. Out of that small percentage of population, you guys are trying to create a boogeyman to rile your base. If you want to help our kids, let's address the fentanyl crisis. Let's make sure that every child never goes hungry. But what you've done is you crafted a bill and you created a false narrative that hundreds of children in Nebraska are lining up for these types of surgeries. And the average age for this surgery, by the way, is 29.5 years of age. First it was CRT. Then it was election fraud. This year, it's book-banning, anti-trans bills and drag queens.

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**KELLY:** That's your time, Senator. Thank you, Senator Blood. Senator Wayne, for what purpose do you rise?

**WAYNE:** Yes, I filed an amendment to the recommit, to recommit the bill to the correct committee, which would be Judiciary, since there is a criminal penalty now.

**KELLY:** Senator Wayne, would you please approach? Speaker Arch, could you come forward, please? Senator Wayne, the ruling of the Chair is that you can't amend a recommit due to past precedent. So-- and that's the ruling of the Chair. There's been a motion to overrule the Chair. All members may speak once. No member may yield time. Senator Wayne, you're recognized to open.

**WAYNE:** Thank you, Mr. President. Colleagues, so here's-- here's what happened. Let me give you the full, full picture here, and I'm going to be very crystal clear here. For those who have a Mason Manual, it's Section 8, I'm sorry, 387, number 2. For those who don't, you can look that up. Section 87 [SIC] Section 2-- Section 87 [SIC], sub 2. Our rule on motion to reconsider is on page 49, and all it says is here is the priority motions. Now, when we started this debate, everyone, years-- months ago, we passed and some might call it a knee-jerk reaction to-- to change the-- amend our rules to only have one recommitment per day. Well, when we did that, if something like this happens on a recommit, we're actually recommitting now to the wrong committee, there's no way to fix that. So since our rule is completely silent on this issue, you have to determine what other priority motions are amendable. So you go to Mason Manual when it's not in our-- in our-- in our rule. So in our rule, Section 38-- 387 number 2: The motion to refer to committee may not be amendable except as to the committee or as to the instructions to the committee. That is clearly in the Mason Manual, 387. I hope we can get some passed around so you understand that. Now, the past precedent that the Chair is relying on is incorrect. And I'm trying to say this nicely and politically because we had a frank conversation up there and I think this is OK where we're at. But I want the floor to understand, Senator Larson came down here and tried to file, my freshman year, a motion to recommit to a different committee. It was either a committee-- it came out of Natural Resources or he wanted to recommit it to Natural Resources. No, it was before I got here. No, it was here, my first year. Lieutenant Governor Foley ruled that that was out of order and had no priority because he was making it to another committee. That's not what I'm doing. I am rereferencing this to the Judiciary Committee because this now has a criminal penalty. And colleagues, this is very important, because my colleagues who are on the Exec Board

specifically overturned my request to bring this bill to Judiciary because at the time it did not have a penalty. And if you don't believe me, ask Senator Briese, Slama, anybody on the Exec Board. I wanted both of these bills dealing with this issue in Judiciary. And the argument was and, in fact, I got one bill that dealt with a similar issue, Senator Hunt's issue, because it associated with a criminal penalty. But these two in particular bill, this one in particular, was at HHS because there was no criminal penalty attached. That is the jurisdiction of the Judiciary. If there is a penalty attached like this, particularly a criminal penalty, it is in Judiciary. That was the exact basis of why this went to HHS. Now, on this amendment, there is a criminal penalty. Well, in order to re-- I understand that. But if you recommit this bill with the language, it will be a criminal penalty attached. Yes. The amendment-- OK. Now we're having a sidebar conversation. The amendment is not on the floor. I agree with you. But if you're recommitting it to a committee and you want to add a penalty, which would be the first line item on this bill, it's a-- it's a criminal penalty. And because and Senator Clements' point, the reason I can't change the committee is because we passed a new rule, not thinking through the new rule. In a normal state of affairs, I would withdraw-- I'd say, Senator Cavanaugh, would you withdraw this amendment? If they're going to try to add a penalty, we should send it back to Judiciary. But because we struck the language and said you can only offer motions to recommit one time, I have no other way to make sure this goes to the right committee. There is no other way to make this go to the right committee. I appreciate that, Senator Clements. But when you're on the mic, I don't talk to you and chat with you while you're doing it. So give me that same respect. There's no other way for me to get this recommitted to the right committee, whether we like that or not. That's what we sat up there and talked about. Because of the rule change, there's no other way for a recommitment this entire day, whether another amendment gets attached or not, for it to go to the right committee today. That's all it comes down to. Now, the question before this body, if we want to get technical on what is on the board, what is on the board is is my reading of the Mason Manual correct or not? Can I amend a motion to recommit? That is what is on the board right now, Senator Clements. It's not whether it's a penalty or not. Do I have the authority under our rules and under Mason Manual to amend the motion to recommit? And I would submit if we're going to take a hard line on that amendment is not up, particularly, Senator Clements, then take a hard line on the plain meaning of the rule when you read it. And that rule specifically says, and I quote, The motion to refer to a committee may not be amended except as to the committee or as to the instructions to the

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committee. That is what the rule says. Either we want to follow the language of the rule or we don't. The question right now, before the body isn't whether the amendment is getting adopted, whether the penalty is actually on the bill. The question right now before the body is does a member of this body have the ability and the authority to amend a recommit motion? That's it. The rest of the arguments don't matter right now. Does a member of this body per our rules and per the Mason Manual have the ability to recommit to amend a recommitment motion? And the answer is yes. But the question is, so let's follow the logic here for-- for Senator Clements because he is right. I'm not saying he's wrong. He's right. But he was talking and I was trying to think at the same time. And I'm only good at, like, one thing at a time. What would happen here is we would overrule the Chair. Then my amendment would be up. And that maybe is when his argument comes in. But don't tell me I don't have the authority to do so when it's plainly in the language. That's all I'm saying. And so I would invite anybody who wants to follow the rules to look at it and say, here are priority motions. Go to Mason Manual when it says in 387: The motion to refer to committee may not be amended except as to the committee or as to the instructions to the committee. I am allowable to do this and everybody should have the same right to do this as this body. The precedent he is speaking of, if you don't believe me, you can ask him or ask the Speaker or ask our Clerk, was a motion to recommit to a different committee. That's not the same motion before us. The motion before us today, right now in this moment, is does anybody in this body have the ability to amend a recommit motion based off the change of the committee or the instructions to the committee? And the answer is the plain language is yes. So who's going to stand up and actually agree with this based off of our language that is clear, plain and concise and simple to read? Thank you, Mr. President.

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

**HANSEN:** Thank you, Mr. President. I was wondering if Speaker Arch would yield to a question.

**HANSEN:** Speaker Arch, will you yield to a question?

**ARCH:** Yes, I will.

**HANSEN:** Speaker Arch, do you have anything further to mention on this topic?

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**ARCH:** Yes, I do. Further consideration after our conversation up front here, the-- the use of the Mason's Manual in Rule 2, Section 1(b) the use-- the use of the Mason's Manual follows and it reads in this way, "In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority." My argument would be that we do have precedent because we have never allowed an amendment to a recommit motion in the past. So with that I would say that, yes, Mason's Manual could follow. But it is-- but it is-- it is the-- it is the-- the precedent that we have not allowed this in the past that should rule, not Mason's Manual.

**KELLY:** Speaker Arch, could I pause for just a moment? Senator Hunt, the understanding has been that during this overrule the Chair, each senator cannot yield time to another, but may yield-- ask another to yield to a question. That's-- could you come forward, Senator Hunt? Senator Hunt, there was an understanding last time this issue came up that precedent allowed a senator to yield to a question and ask another to yield to a question during a recommit-- during a motion to overrule the Chair, but that a senator may not yield time. So the ruling is that there is no ruling. Your point of order is out of order at this time. Senator Hansen, you're recognized to continue on your time.

**HANSEN:** Thank you, Mr. President. For now, I will yield my time back to the-- I'll yield my time back to the Chair actually. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of Senator Wayne's interpretation of the amendment. And for those of you who haven't taken the opportunity to look at it, it is as clear as anything is written in any of these rules. He's right. It's Section 387 of Mason's, subsection 2: The motion to refer to committee may not be amended, except as to the committee or as to the instructions to the committee. And as Senator Wayne distinguished, previous motions to recommit from this amendment, it certainly seems like the amendment is in order under Mason's. And again, we've talked about in our rules, the rule clearly states that when we don't-- our rules are silent, we go to Mason's. And that is Rule 2, subsection 1: In the absence of a controlling rule to cover a specific situation and in the absence of a controlling custom, usage, or precedent, the presiding officer may use-- utilize Mason's Manual of Legislative Procedure as authority. And this body, this Chair, clearly relied heavily on Mason's when we

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were having a debate about whether or not we can amend the Journal just a week ago. And in that debate, I think is where the confusion is here, Mr. Chair, that Senator Conrad attempted to ask Senator Wayne a question, and I believe he was ruled out of order. I guess I could be corrected if I could find that in the Journal. But then Senator Wayne did raise a point of order to that obj-- that ruling and ultimately withdrew it, if I remember correctly. And I guess I could ask Senator Wayne to yield to a question to see if he remembers it that way. But I'm not going to at this moment. But as, again, as Senator Wayne correctly pointed out, this is a question about whether this amendment is in order, not whether or not you should vote for the-- the amended motion to recommit. We can have a whole conversation about whether you should vote to amend the motion to recommit. This is a question about what it is the rules say, and whether or not we are allowed to amend a motion to recommit to change which is the appropriate committee of jurisdiction. And we've had this entire session has been where the rules have been contorted by those who sit in the Chair and those who have authority over committee referencing, committee assignments to put their thumb on the scale and get the outcome that they want. There's a constant changing of what is the observed precedent, what rules are we going to follow when it's convenient, and to move things in the direction of-- that the majority is choosing to. And so this is a pretty clear one. Again, you don't have to vote for the amendment itself if you don't want to. But the rule says that we use Mason's when there is not a clear rule on point. And our rules do not specify whether or not or in what fashion we can amend a rule to commit. So when Mason's says that it is an amendable rule, as Senator Wayne read, he's correct. And so we should-- we should stick to our rules. You can get the outcome you want, I would guess, if you don't want it to be recommitted to Judiciary, that you could probably whip the votes to vote down that specific amendment. But we should have that vote under the rules as the rules are written and meant to be interpreted. So I would suggest that you vote in favor of the motion to overrule the Chair. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Let me correct what Senator John Cavanaugh just said. Rule 2, Section 1(b) says: In the absence of a controlling rule to cover a specific situation, in the absence of a controlling custom, usage, or procedure, the presiding officer-- you ready for this?-- the presiding officer may-- may utilize Mason's Manual of Legislative Procedure and authority-- may use. Senator Cavanaugh said we shall use, we have to use, we always use. It says we



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may use it, doesn't say we have to. It also says in Rule 1-- Section 1 of Rule 2, "In all matters not covered herein, the Legislature shall decide as to the procedure to be followed: by 25 votes. So we can decide whatever we want to do with 25 votes. And it doesn't say we need to use Mason's rules, but we've interpreted the rules to say it says "shall." It doesn't say that. If you want to look at it, it's on page 9. Rule 2, Section 1(b) says "may." So we spend all this time arguing about Mason's rules when, in fact, we don't even have to use Mason's rules. If 25 of us agree to do something, that's exactly what the procedure is. So we get all bogged down by people who use Mason's rules to confuse us and think that we have to do whatever they say we have to do according to the Mason's rules. It's not true. This is a dilatory procedure to stop the advancement of LB574. It's what this is, plain and simple. Vote no on this recommit. Vote no on overruling the Chair, and let's move on. I don't know how much more plain I can make it. Thank you.

**KELLY:** Thank you, Senator Erdman. Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** I would agree with Senator Erdman and the comments that Speaker Arch made on overrule the Chair. I yield the rest of my time.

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

**LINEHAN:** Thank you, Mr. President. I would urge your vote against the recommit to committee and also to support the presiding Chair. Thank you.

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

**FREDRICKSON:** Thank you, Mr. President. I rise in support to overrule the Chair. You know, we, we had, I remember when we were going through bill referencing early on in the session, and we had a number of conversations during that time about what was happening with referencing, specifically as it related to bills related to the topic of abortion. And I remember having conversations on the mic about historically whether or not these bills were referenced to HHS or Judiciary. And I explicitly recall repeatedly being told on the mic that the reason that LB626 was referenced to the HHS Committee was that it explicitly did not have criminal penalties in there. And so, as I understand it, the function of what we're doing today on the Final Reading of LB574 is to return this bill to Select for a specific

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amendment. And the specific amendment, as I understand it, does include criminal penalties. So Senator Wayne is making a very important and valid point here. If that is the goal, then this does need to be referenced to the proper committee unless something has dramatically changed between January and today with how we reference bills. But this is a drastic shift in how we're doing things in here. So I rise in support of this motion. And I think if we are going to be amending this bill with an amendment that specifically has criminal penalties in it, it is judicious of us to be doing this in the Judiciary Committee. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. Colleagues, this is one of the concerns that I've had throughout this session, that when we do not apply the rules consistently, when we change them, when we have the point of order on whether or not to allow a question on an overrule the Chair motion and first we go one way, then we go another, then we go another, then we say we're going to go another way but we don't actually rule the other way, this is the problem with that. We end up in this kind of procedural chaos. The question of whether or not to recommit it to committee, the criminal penalties suggest that this should go to Judiciary. There is no way for Senator Wayne to make a motion to recommit to committee, to Judiciary Committee, unless he does it this way because of the rule that we passed that said only one per day of recommit to committee. The long and short of it is this: There are consequences, even when we don't always see them at the beginning when we're making these rules. We just think, OK, we'll change the rules now, it'll be fine. But then we find, oh, look, here's a wrinkle we hadn't thought of. And that's the problem with this kind of on-the-fly changing of the rules is that there are all of these wrinkles. These rules that we have have been tested and the kids would say beta tested. They have been tested and retested over the years to get to a point where there are not these kinds of little wrinkles, where suddenly we're in a mess and we don't know what to do. I have never on the floor of this legislator-- Legislature heard so many references to what do we do if our rules don't answer the question. And part of that is because we've had custom in the past. We have had rules that were not changed, not according to the rules about how to change rules. We're headed down a path where none of us are going to even know what the right thing to do is anymore. So in this case, we need a process for sending it to the correct committee. So I will vote to overrule the Chair. I would encourage all of you to do so, as well. Thank you, Mr. President.

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

**BRIESE:** Thank you, Mr. President. I'm not going to support the motion to overrule the Chair. Referencing has been brought up like it has numerous times this session or in the past 70-some days. And this bill was referenced correctly. It deals with healthcare, deals with medical services, gestational age, pregnancies. It was referenced correctly so-- but some folks talk about criminal penalties. There's precedence for sending a bill such as this containing some reference to criminal penalties to the HHS Committee. Back in 2017, we had LB716. That was a measure to expand the category of abortion providers, essentially attempting to expand abortion access in Nebraska. It would have amended 24 criminal statutes and a handful of health and insurance statutes. It was referenced to the HHS Committee. There was precedence. There is precedence for what we're talking about here. It was referenced correctly, and I'll stand by that. And I support LB574 and I support the amendment that we're trying to get to here. And we can-- we can spin this any way we want. We can phrase this any way we want. We can call it anything we want. But at the end of the day, it's about protecting innocent life and it's about protecting kids, period, nothing more, nothing less. Thank you, Mr. President.

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

**RAYBOULD:** Thank you, Mr. President. I stand in support of overruling the Chair. You know, this is really, really sad. Sad. My-- my colleagues intentionally choose to ignore parents and their rights, ignore their medical advisers. My colleagues choose not to interact or listen to families with trans children, not to listen to healthcare professionals, especially our OB/GYN physicians, and to all the accredited medical associations, business leaders, and businesses in our state on how detrimental both bills are to families, our fellow Nebraskans, businesses, and medical practices we risk losing. We should be doing everything we can to retain and attract young families and professionals. This morning, we heard Senator Linehan speak directly to that in our discussion about the revenue bills. These two bills do so much harm in our state's effort to attract and retain our young professionals. And all the revenue bills and the corporate tax cuts and individual tax cuts we have just passed and are moving forward are for naught if we don't become a more welcoming state that embraces the diversities of each and every one. And why is this even a priority bill? Since when is gender affirming care more of a threat to children than firearms? If my colleagues were truly genuinely

concerned about protecting the lives of children, they would support any and all measures to protect children from firearm injuries. Furthermore, there are two separate topics, bills, and the combination is a violation of our state constitution. Really, the only common denominator is criminalizing healthcare for women, minorities and LGBTQ. Or worse yet, revoking licenses of these professionals we need to keep in our state. So well done, colleagues. Well done. And I know during the committee hearings there was not enough time. So many of our physicians were not able to speak and to tell you exactly how hurtful and impactful these bills are. One physician said both LB574 and LB626 are not good for Nebraska. They are harmful to the populations they target. They represent attacks on dedicated physicians who are providing the standard of care in line with our Hippocratic Oaths to our patients. They are very injurious to physicians' training, recruitment, and retention. They contradict conservative principles, including limited government and a parent-family sacred responsibility to direct the medical and moral upbringing of their child. They are discriminatory. Bills like this banning healthcare disproportionately impact black, brown, and other minority people. There is no disentangling their effects from the racial disparities that our best values call us to strive against. They are contrary to the prop-- the positions of major medical societies and the best practices of care. They are a violation of human rights.

**KELLY:** One minute.

**RAYBOULD:** Thank you, Mr. President. They remove a patient and family autonomy, which is a core principle of medical ethics. Another physician writes: The amendments of a 12-week abortion ban, which is really is a ten-week ban, still threatens physicians with the loss of their licensure, creates a cesspool, a bill that broadly criminalizes healthcare. This mutated LB574 with its abortion ban amendment single-handedly has overwhelming opposition from the majority of every legitimate professional medical organization in the country. Do you know how rare it is for this many doctors to agree on anything? This legislation puts doctors at risk, puts hospitals at risk. Please, they say, see the recent lawsuit against hospitals that denied abortion care and most obviously puts patients at risk.

**KELLY:** That's your time, Senator.

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

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

**DAY:** Thank you, Mr. President. So I want to point everyone in the direction of page one or excuse me, 804 in the Journal, the General File debate of this bill, LB574. There was a series of questions. It appears that Senator Slama called the question. Senator Slama challenged the ruling of the Chair because he ruled that there had not been full and fair debate. Shall the Chair be overruled? Senator Hunt raised a point of order on whether a member may ask another member to yield to a question during debate on a motion to overrule the Chair pursuant to Rule 1, Section 12. The Chair ruled that members may not yield to questions during debate on a motion to overrule the Chair. The Chair called Senator Hunt to order for engaging in debate when recognized to raise a point of order. I want to draw everyone's attention to the fact that at every stage of debate this session, the rules surrounding debate have changed. We are no longer governing based on best public policy, based on norms of the institution, based on longstanding established rules. We are governing in a win-at-all-costs atmosphere. Our bill fails, we're going to bring back a similar bill as an amendment on another bill. And then when the opposition attempts to do their work, we're going to change the rules so that they can't because we don't care anymore. What are the rules today? I don't know. What are they going to be tomorrow? What were they a week ago? What were they six weeks ago? They're different. That is a huge problem. And I hope everyone at home understands the long-term implications of this for this institution long after you and I are gone. I have said it many times on the floor this session, This place is not about me. It's not about you. It's going to be here for a long time after we have all left the earth. And we continue to attempt to change the rules because we don't like what's happening on the floor so we can get our bills passed. I just want everybody to see what's going on. At one stage of the debate, the Chair says this. At another stage of debate, the Chair says the opposite. You can file this, you can't file this. You can file it on General File, but you can't file it on Final Reading. And I would also mention we had a clarifying Speaker's announcement on this bill today that no other bill has gotten. What are we doing? If you can't win or get your bill passed and keep your hands clean, then you don't belong here. You're not doing your job. Your job is not only about passing legislation. It's about upholding the institution so that the government in Nebraska can function long after we're gone.

**KELLY:** One minute.

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**DAY:** Thank you, Mr. President. I'll yield the rest of my time.

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

**LOWE:** Thank you, Lieutenant Governor. I stand today in support of our children, both born and unborn. And with that, I support LB574 and the underlying amendment we're trying to get to, AM1658. I'm opposed to motion 85 and overruling the Chair. With that, I yield the rest of my time.

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

**BOSN:** Thank you, Mr. President. I also rise in support of LB574, oppose the motion by Senator Cavanaugh, and the motion to overrule the Chair. In looking at the amendment that's been filed in this case, I have noted there are two lines where the word "penalty" is found, none of them referring to a criminal penalty. One of them is on page 5, line 22. This references an administrative penalty dealing with discretionary measures. In other words, if you fail to pay an administrative penalty, you could be subject to discipline. That's not a criminal penalty. Second place where the word "penalty" is located in this amendment is on page 9, line 10. This refers to a civil penalty allowing the director to dismiss the action or impose a, quote, civil penalty. The word criminal is found in one place in this entire amendment. That's on page 6, line 26, that refers to a criminal abortion. This section refers to examples of unprofessional conduct, which does include criminal abortions and has included criminal abortions for years. This does not include a criminal penalty and is, as I mentioned, not new language to the statute. Civil penalties do not necessarily go to the Judiciary Committee. Criminal penalties do. For those reasons, I would ask you to vote red on the motion to overrule the Chair. I yield the rest of my time.

**KELLY:** Thank you, Senator Bosn. Senator Lippincott, you're author-- you're recognized to speak.

**LIPPINCOTT:** Thank you, sir. I support LB574. I was reading in our Rules Book, Rule 7, Section 11, which talks about dilatory purposes. It says: Motions and Amendments for Dilatory Purposes. Motions and amendments shall not be filed for dilatory purposes. If more than two amendments or mot-- motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions

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are being used for dilatory purposes. I would submit to you that recommit to the committee is such an act. Thank you, sir.

**KELLY:** Thank you, Senator Lippincott. Senators-- Senator Brewer has guests in the south balcony, 41 sixth graders from Valentine Middle School in Valentine, Nebraska. Please stand to be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I rise in support of the motion to overrule the Chair, according to Rule 1, Section 12. I also truly and sincerely appreciate the Speaker utilizing his presiding privilege under Rule 1, Section 15 to provide a roadmap in terms of process, because there is significant confusion. And I believe he was acting in good faith to help the body get acclimated to the parameters of the debate, which we all know is going to be incredibly challenging and emotionally-- and emotional and intense. I know in conversations with many members, some new members, some returning members, that there was a significant amount of confusion about how this afternoon was going to work, how subsequent procedural effort in the wake of today's debate might work. And I am deeply grateful for the Speaker for providing that roadmap. I think it was helpful. I'm also rising in support of the motion to overrule the Chair under Rule 2, Section 1(b) because I think it's really important to note that we don't actually have a controlling rule specifically on point. We do not have a controlling custom, usage, or tradition specifically on point. And thus, we may utilize Mason's and we don't have another hierarchy of authority to rely upon. And so while permissive, it has always been our practice to utilize Mason's as a complementary authority in addition to our own rules, customs, tradition, and usage. And I'm grateful that Senator Wayne brought this forward. Colleagues, let me go back for a minute, though, to reaffirm the broader point. The reason we don't specifically have a controlling rule or a controlling custom is because we've tried our best under challenging circumstances to chart a path together each day to advance the work of the people of Nebraska, to protect this institution. But let's not also divorce ourselves from reality. This session has been unprecedented, chaotic, and challenging because of the toxicity and the divisiveness present in LB574, LB575, and LB626. I want to also be clear: This debate is not and should not be about the Speaker. It is not and should not be about Senator Kauth. It is not or should not be about Senator Cavanaugh. And it is not or should not be about the Governor or the Lieutenant Governor. Colleagues, this debate is about us. It's about us, the 49 of us who are here that sacrifice to be here, that worked hard to get here, that took an oath to serve in a nonpartisan institution, to truly, in our hearts of hearts, want to do

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the good work on behalf of the people and have been prevented from doing such because of the divisiveness and toxicity in our politics that's on full display in LB574.

**KELLY:** One minute.

**CONRAD:** Thank you, Mr. President. Colleagues, if you read the headlines; if you scroll social media; if you talk to your friends, families, and neighbors, and you're sick of the toxic politics and they're sick of the toxic politics, the only way to stop it is to stop it. Hold ourselves up as we always have, as Nebraskans with an exceptional place in this country that say we will not be drawn into the passions, the prejudices, the partisanship that cripples our sister states and our nation. Let's not do it now. We have resisted that over the course of our history, and we have a responsibility standing on the shoulders of giants for generations to carry that forward.

**KELLY:** That's your time, Senator.

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

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

**MURMAN:** Thank you, Mr. President. I do stand favoring LB574 and against the motion to recommit to committee and to overrule the Chair. I was quoted in the motion to recommit to committee, and that was a little bit out of context. I would like to add to that a little bit. There are exceptions of when parents have the ultimate authority to control the lives of their children, have the ultimate responsibility for the lives of their children. And some of those are in purchasing driver's licenses, joining the military, purchasing alcohol, cigarettes and firearms, and voting. Parents do not have the authority over their children on allowing them to do those things. And I think that it should be added to that list abortion and harmful, life-altering surgeries and drugs, should not be something that parents can allow their children to do. Thank you, Mr. President. I yield the rest of my time.

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

**VARGAS:** Thank you very much. I rise in opposition to LB578-- LB574, sorry, and in support of Motion 85 and in support of overruling the Chair to recommit to committee. I want to specifically speak to this



overruling the Chair because we've had many of these. I haven't had this many overruling the Chairs in my entire tenure in the Legislature. And I think that's really indicative of some of the things that Senator Conrad was saying, which is the place that we are currently in, in-- in terms of more the divisive side of-- of politics. That doesn't mean that we haven't disagreed. We disagree all the time on different issues. And-- and honestly, I think that is a healthy component of what we do here. My concern is that we have gotten to this point where we're overruling the Chair largely because it's our prerogative within the rules, I say "our" because whatever group is overruling the Chair and it's happening more often, largely because of it is the only process that we have to be able to move forward and set some things right or to set the record straight or to apply consistency as much as possible. I think we've heard from different senators on when we apply that consistency from the ruling from the Chair. It's extremely difficult to hear that because there's just a lot of questions around what we are or are not doing to uphold this institution. Even-- even right now, getting questions from constituents via text on what is happening is feeding into people's confusion on how we actually abide by our rules and also have consistency with what we're doing. You know, there are questions around our timing on whether or not this is counting towards time, which my understanding is that this is not counting towards the time to cloture for the underlying bill, but we are just using time outside of that. The question is, is that a consistency that we've then applied to everything during the session when we've had an overruling of the Chair in this instance? I'm still unsure. But the reason why I support the recommit to committee is because when we are in the absence of clarity within our rules, we often do look to Mason's to dictate or, sorry, to provide us guidance on how we can move forward. Now, I do confess that, you know, Senator Erdman is right. There are-- if we have 25 votes, there's a lot of things that can happen. Just because we have 25 votes and it can happen, to what he said, doesn't mean it always should. In this instance, we're debating whether or not it should be recommitted to the committee, given the amendment that is upcoming, which I think it should. I think there's a valid point that's made. But I am very much concerned on the sanctity of this building and institution and what it looks like when we're using these motions to overrule and what it really is telling us about the current state of our Legislature. And I'm hearing it outside. I'm the closest to the door. I can hear the pain and anguish from people on both sides. And it is extremely difficult for me as a senator that is looking for how we can build some consensus and have civility in this world, but the part that is really hard for me to stomach is we're

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debating something that is inherently more divisive and it has been seen so this entire session. These motions that we have been employing are in our rules, and I support the ability to use the things within our rules. But it is very telling to the fabric of what is happening--

**KELLY:** One minute.

**VARGAS:** --in the state right now. It's very telling to our relationships and how seriously we take these. I remember my first couple of years we'd have overruling the Chair or on-- on germaneness or on dividing the question on many other things. And we would take it so seriously because we knew that the minute that we would take a decision, that it would set precedent for how we operate. And I'm not entirely sure I feel that same sense of when we make a decision that that's a precedent that we can't break, and that it is inherently confusing even the public on what standards we are upholding and when we change the rules of the game for a bill, not for the sanctity of our session or the body or each other, but for a bill, oor these set of bills. So I express this concern because well, quite honestly--

**KELLY:** That's your time, Senator.

**VARGAS:** Thank you very much.

**KELLY:** Thank you, Senator Vargas. Members, for clarification, you are free while on Final Reading here to move within the Chamber. You're just prohibited by rules from going out the glass doors. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. Thank you, Senator Vargas, for those words. And thank you, Senator Conrad, for your words. I have to admit the divisiveness is very disheartening. Not only is this a-- this is not only about one person, and it's not about one party. This is about us. This is about our duty to preserve the institution. And it's about our duty to represent people in Nebraska to the best of our ability. That is why I do stand in favor to recommit to committee simply, colleagues, because, like Senator DeBoer, I am concerned about times when we are not consistent with our rules; times when we change our rules to benefit some, but not others; that legislation-- and I would agree that the legislation that we're talking about today involving criminal penalties-- penalties does belong in Judiciary, not in HHS. It wasn't referred to HHS. It should have been or it was referred to HHS but it-- it-- it's changed and it belongs in Judiciary. I also stand in opposition of LB574 as written, and I hope that later on in debate I can explain my reasons why. Thank you, Mr. President.

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

**CLEMENTS:** Thank you, Mr. President. I oppose the overruling of the Chair. I believe our precedent is being followed. I don't recall in my-- this is my seventh year-- having this previously been accepted as a motion. And the correct committee was referenced in this bill. And even the amendment-- the amendment to recommit to Judiciary is in error. There's no criminal penalty in AM1658. And the penalties are, I see on page 3 and 8, page 3, line 25, a credential to practice a profession may be denied. That's a credential. That's not a criminal penalty. That's a license penalty. And on page 8, there's the director shall enter an order revoking the licensee's credentials. So credentials are an authority of the Health and Human Services Committee and this was referenced correctly. And the precedent of the Chair, I believe, ruling is correct. So I oppose overruling the Chair. Thank you.

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

**HALLORAN:** Thank you, Mr. President. Good afternoon, colleagues. I stand in full support of LB574 because I'm opposed to allowing children to make decisions that would mutilate their bodies either surgically or chemically. I'm opposed to the recommit to committee and overrule the Chair. Just a side comment here about some of the-- my colleagues who have stood up and very sanctimoniously talked about the institution and how we are abusing this institution and the fingers are pointing back at themselves. We've had an onslaught almost from the very start in this session of motions to indefinitely postpone, motions to return to committee, motions to reconsider. And for what purpose? Just dilatory purposes. Senator Conrad-- Senator Conrad has put in probably half of those motions that I just mentioned on 700-some bills, long before they came to the floor, just to make sure that it was in the queue for-- for stalling the session. So if you want to talk about respecting the institution, it should-- it should come from other people. But these people that have done these recommit to commit-- to committee and reconsider motions and indefinitely postpone. So yes, Senator Conrad, Senator Walz, Senator Vargas, let's respect the institution. I yield the balance of my time.

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

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**MOSER:** Thank you, Mr. President. If our tradition, if our precedent is, is that we have not allowed amendments of recommit motions, then we don't need to consult Mason's Manual. I support LB574. I oppose overruling the Chair. I oppose recommitting it to committee. As far as toxicity in the Chamber, I think we all need to kind of look at our behavior here and see whether it's helpful to the process or whether we're stretching the issue to another level that is not correct. I've always tried to be calm and reasoned in my approach to what we're deliberating here, and I think we all should. I don't think we should be yelling and-- and calling people names. And, you know, I don't think that's helpful to the process. Thank you, Mr. President.

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

**DeKAY:** Thank you, Mr. President. I rise today in support of LB574, opposing the motion to recommit and to override the Chair. We've already started to talk about LB574 and AM1658. So that's where I'm going to go with my talk this afternoon. It is said that a good compromise is when both parties are dissatisfied, and I think that's exactly what we have here. There have been some concessions made that have brought us here today. Neither side is getting all of what they wanted and it is not everything either side had hoped for. I would like to take some time to speak on the Preborn Child Protection Act. At 12 weeks of gestation, we are getting into the time period when some of the most critical development takes place. At this point in a pregnancy, each child in the womb has most of their organs and structure developed. Facial features have started to emerge and the body shape takes on more of a human appearance. The heart has already beat over 10 million times. I want to reiterate again that we can spend hours debating when human life begins, but at some point, a determina-- determination needs to be made. According to the DHHS in 2021, there were approximately 309 abortions performed at 12 weeks of gestation and beyond. This compares to the total number of abortions performed in Nebraska that year, which was 2,360. As I see it, Preborn Child Protection Act would reduce the number of abortions in Nebraska by about 13 percent and potentially save the lives of between 300 and 400 more children each year. A quote that has resonated with me is one by Pope John Paul II. A society will be judged on the basis of how it treats its weakest members, and among the most vulnerable are surely the unborn and the dying. I do not believe that someone should be able to end a life because that child is unlikely to live long or at all after being born. For myself, abortion is not merely a medical procedure, it is also the termination of a new human life. I will leave it to others to build on the record, but as I see this

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amendment, it is friendly. It is germane. And both the original LB574 and LB626 deal with allowing children to grow up and mature. I can't think of anything much more important than protecting the lives of the next generations. I yield back the remainder of my time. Thank you.

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

**RIEPE:** Thank you, Mr. President. I am going to limit my comments to AM1658, which was a 12-week limit to what I have believed is the best for Nebraska. I believe most Nebraskans feel 12 weeks, with reasonable exceptions, is a sensible, a reasonable compromise that protects the unborn, respects women's reproductive rights, and is legally defensible. Senator Hansen, will you yield to a question?

**KELLY:** Senator Hansen, would you yield to a question?

**HANSEN:** Yes.

**RIEPE:** Thank you, Senator Hansen. On April 25, Attorney General Hilgers published an Opinion that physicians that violate an act such as what is being proposed would not be subject to criminal provisions outlined under Nebraska Revised Statute 28-336. In the amendment I proposed on Select File of LB626, I included an explicit repeal of the criminal provisions that currently exist in statute. That explicit repealer is not, I repeat, not included in your amendment. Will you commit to me today that you will work with me next session to repeal the criminal provisions currently in statute to give physicians more clarity that they will not be held criminally liable should they violate this act or in this amendment as enacted by law?

**HANSEN:** Of course.

**RIEPE:** Thank you, Senator Hansen. I yield the rest of my time.

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

**McKINNEY:** Thank you, Mr. President. I rise in support of the motion to overrule the Chair. Just honestly speaking, the passage of-- the potential passage of this bill and the amendment is going to have some long-lasting negative impacts on the state if you're not aware of that, but many people probably don't care. Will Senator Moser yield to a question?

**KELLY:** Senator Moser, would you yield to a question?

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**MOSER:** Yes, I would.

**McKINNEY:** I listened to you speak previously, and I had a follow-up question. Is there any precedence on this motion?

**MOSER:** I'm not the one that represented that there was a precedent, but the ruling of the Chair was is that there was a precedent. And that's my basis of my opinion on that.

**McKINNEY:** Were you provided with any further information about the precedence of the motion?

**MOSER:** I didn't see the Journal. No.

**McKINNEY:** All right. Thank you. Would Senator Wayne yield to a question?

**KELLY:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**McKINNEY:** Senator Wayne, what is this motion and what is the purpose of the motion?

**WAYNE:** First, there is no precedent on this motion. Speaker Arch, Senator Moser both heard the Clerk say there is no precedent on this motion. I understand this topic is very emotional for a lot of people, but we're not talking about the topic here. We're talking about the procedure of whether any member at any given time on a recommit motion can file an amendment. Both sides have continued to talk about the issue and the underlining [SIC] issue. That's not what's before us. In fact, that's why this time is not even being counted towards this bill. What is before us, Senator McKinney, is a simple motion to override the Chair on a issue of whether I, a member of this body, can amend a motion to recommit. Our Mason-- our rule is silent. Yes, Senator Erdman, it says "may," but our precedent has always been to follow Mason Manual. He is correct-- 25 members can change that rule at any given time. You just pick up your hand and you overrule the Chair. But let's deal with the real facts. Can a member of this body amend the recommit motion? That's the motion before us, Senator McKinney. That's all we're talking about. And that's all we should be talking about. Everybody else who is in the queue, which I think we should clear the queue, but that's never here, got right back to their same talking points on the underlining [SIC] bill. That is not the issue, body. The issue is can this be amended? It's clear in Mason Manual. And if you want to throw out the Mason Manual and say, hey,

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we're not even going to follow that precedent, then fine. Then vote that way. Then every vote comes down to a override the Chair. And if it doesn't count towards the time, that means we are not going to even get on bills for the last ten days if we're just throwing out precedent. The only precedent in this matter, Senator McKinney, is there is none. This motion has never been filed. Never. Senator Larson filed a similar one, but it was a motion to recommit to a different committee. That is not the same motion before this board. On the board is to overrule the Chair of whether I get to file this. Not just me, whether four years from now you get to file this; whether next week Senator Erdman gets to file this. And to mix it up with the underlining [SIC] bill is wrong.

**KELLY:** One minute.

**WAYNE:** We aren't talking about the underlining [SIC] bill, Senator McKinney. What we are talking about is this motion. Does a member of this body have the ability and the right per our rules and per our Mason Manual, which we use as precedent? And the answer is unequivocally yes. Don't hop the rules and hop the procedures to have the-- the means justify the end, Senator Briese. You may not like the motion. You may vote against recommitting it to the Judiciary. But do I get the opportunity? Does Senator Linehan get the opportunity? Based on our rules, it's yes. But we're in this tug of war and this fight of we can't even give an inch just to the other side. I'm not on either side. Hell, most of you know I struggle with the position where I'm at on one parts of the bill. The question is procedure. And let's have that honest conversation. And who on the other side is going to stand up and actually acknowledge that honest conversation?

**KELLY:** That's your time, Senator.

**WAYNE:** Thank you, Mr. President. Thank you, Senator McKinney.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends, all, I stand in support of the recommit to committee and overruling the Chair. And I agree with Senator Wayne, forgot your name for a minute, Senator Wayne. Never in seven years have I seen such a clown show. Let's go ahead and stand at ease while we have a private conversation behind a closed door because we're not sure what to do next. Never saw that before. I thought for sure when we went to this motion to overrule the Chair that you would clear the board, because the people

that were in the queue were to discuss the underlying bill and the motion. Now we're talking about overruling the Chair and it's still the same queue. And I don't get that. All I can say, if I was a freshman senator and starting my first year this way, you are not prepared for how this body is supposed to work. We do have the right to make this motion. Senator Wayne is correct. But here's the thing. You are so embedded in this bill and taking sides that nothing else seems to be important today. I got lots more to say on how "crappily" that bill is written and how the text needs to be changed. And I've said that since the very beginning. If you were to take that topic out of the bill, it'd still be a poorly written bill. And that was the whole point almost every time I've gotten on the mic during this bill. But we are not here to talk about the underlying bill. We're here to talk about whether we can overrule the Chair, and we can. And I want to tell you, friends, that partisan politics are causing a constitutional decline not just in our body, but bodies across the country. And you guys are all enabling people to participate in government overreach. And you need to be working harder to remove yourselves from that misguided course. Because what's happening, because you're asleep at the wheel, are that bad legislation is going to move forward. And we're not going to be able to come to the middle on things that are important. Because, frankly, what's going on in the United States right now is a purposeful process meant to divide us, for you to take sides. And if you look at the history of democracy, you'll see that democracy cannot function, cannot happen when you become so polarized. And that's the whole point. This process has been skewed from the very beginning. I don't know if it's because of lack of understanding the rules or because of partisan politics or maybe a combination of both. But what I do know is that there have been a lot of unfair processes happen. There are clearly some feelings that have been hurt. And there are some people who say they want to reach across the aisles and they want to work together. But when it comes to the rules and regulations and as expressing to them that, hey, that's not how it's done, they dig in their heels and they vote the way their text message tells them to vote. And I know this for a fact, because just the other day I was talking to some of my peers and I see that the Speaker had sent out a text telling everybody to hurry up and punch in. The Speaker, who is supposed to represent a nonpartisan body known as the Nebraska Unicameral. Friends, we all have something--

**KELLY:** One minute.

**BLOOD:** --to say about the underlying bill. But right now we need to talk about the rules. We have the right to do what Senator Wayne says that we have the right to do. If you want to know how the rules are



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supposed to work, we have books up there that show precedence. There is a history of the Nebraska Legislature up there. Nobody cares if you go and grab a book and learn more. I certainly don't care. But meanwhile, clipping lemmings, be brave, learn the rules, learn what's right, what's wrong. And it's OK to point out when people screw up. Thank you, Mr. President.

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

**SLAMA:** Thank you, Mr. President. I rise opposed to the motion to overrule the Chair. I think that Senator Wayne has raised a very fair point. But I don't think now is the time to be discussing the committee assignments for two bills that were originally assigned to HHS. We had that debate earlier in session. So I-- while I'm grateful to have this discussion, I do have to stand opposed to the motion to overrule the Chair and stand with the Speaker and the presiding officer. Thank you, Mr. President.

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

**HOLDCROFT:** Thank you, Mr. President. I rise in support of LB574, in opposition to the recommit and the overrule of the Chair, and I'll yield the rest of my time.

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

**KAUTH:** Thank you, Mr. President. I rise in support of LB574 and the amendment, AM1658 and in opposition to the overrule the Chair and the recommit to committee. And I do understand, Senator Wayne, about not talking about issues that are not actually on the board, but it seems like we've been doing that this entire session. I find it ironic when senators will stand up and say how much the sanctity of this house means to them and how we should protect it, but yet they're concerned about the sanctity of this Legislature was nowhere to be found when some of our senators stood up and said, we're going to burn this session to the ground, nothing is going to happen, I will oppose everything. Where were all the senators who are worried about divisiveness and sanctity when some senators were launching personal attacks and said that they would just ruin the session when a sine die was passed or attempted on Day 9? There's a lot of talk about protecting the Legislature and the sanctity of it. But all this year as a freshman what I have heard is this has never happened before. So

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us freshmen are getting a really good lesson in what can go really, really wrong when that sanctity is not preserved. I yield my time.

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

**VON GILLERN:** Thank you, Mr. President. I just have a handful of thoughts that I want to share. First, children should not make adult decisions. Second, all life is precious and should be protected. Third, there are no criminal penalties in the bill or the amendment. Fourth, Rule 2, Section 1(b), as Senator Erdman stated, is clear regarding the rules. Fifth, Senator Wayne, I'm not the one to rule on whether you have the right to make this motion, but I do know the purpose why you made it. Sixth, discussing the underlying bill instead of the motion, I don't appreciate being lectured to about staying on topic when I've listened to four months of cheesy potato recipes, favorite coffee cups, stories about pets, and general gnashing of teeth over LB574 and LB626, and personal attacks on the people in the room that don't see things the same way. Let's move on and do the jobs we were sent here to do. Thank you.

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

**HARDIN:** Thank you, Mr. President. I rise in support of LB574, and I'm not in favor of overruling the Chair. I will yield back my time.

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

**SANDERS:** Thank you. And good afternoon, Mr. President. Colleagues, I oppose the overruling of the Chair and the recommitment. I stand in support of LB574 and AM1658. I yield the remaining of my time. Thank you.

**KELLY:** Thank you, Senator Sanders. Senator Hansen has already spoken on this motion, so Senator Dover.

**DOVER:** I rise in support of LB574 and oppose Motion 85 to recommit to committee and overrule the Chair. I yield the rest of my time.

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

**JACOBSON:** Thank you, Mr. President. I'll be brief as well. I'm, I'm opposed to overruling the Chair. I do support the bill, LB574. Again, I think everything's been said that needs to be said. I think we all

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know what we're doing here. I think Senator von Gillern really said it as succinctly as anyone could. We know how we got to this point. We-- we know why everything's been stalled up to this point. It's time to get to a vote. It's time to get the amendment on and it's time to get to a vote. And let's and let's go make that happen. We've got a lot of people here, but all this is, is theater right now, and so I think it's time to move on. I'll yield the remainder of my time. Thank you, Mr. President.

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

**DORN:** Thank you, thank you, Mr. President. I'll echo Senator Jacobson's comments there. It's time to move on. Let's go ahead and get this to a vote. Thank you very much and I yield my time.

**KELLY:** Thank you, Senator Dorn. Senator Brewer, you are recognized to speak.

**BREWER:** Thank you, Mr. President. You know, I kind of agree with Senator Jacobson that I think we've got to the point now where everybody understands where everyone is, and we're essentially chasing our tails, eating up time, and that's not going toward the overall bill. So I will just continue to support LB574 and oppose overriding the Chair. Thank you, Mr. President.

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

**IBACH:** Thank you, Mr. Chair. I stand in support of LB574, as many of my colleagues are, and am not supportive to overrule the Chair, recommit to the committee. I might just share something since I have the mic and may not have it again today that my daughter texted me a little bit earlier today. And her-- she starts off by saying, have you acquired a comfy chair for your office yet? Looks like you might need somewhere to take a nap when this is over. She says, Mom, never let perfect be the enemy of good. Darren [PHONETIC] taught me that. And that's what you have in front of you, something good, not perfect, but good. Hopefully in time, more amendments can get it closer to perfect. I think kids are smart. I think my kids are smart. And I always appreciate their-- when they share their thoughts with me. Colleagues, this legislation is good and it's not perfect, but I urge you to join me in supporting it and I yield my time back. Thank you.

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**KELLY:** Thank you, Senator Ibach. Senator Armendariz, you're recognized to speak. Senator Albrecht, you're recognized to speak. She waives. Senator Briese. Senator Hughes, you're recognized to speak.

**HUGHES:** Thank you, President. I rise with my other colleague-- colleagues also in supporting LB574 and not in support of the motion to recommit to committee and overrule the Chair. And I agree it's time to get on and get this amendment on and get to a vote. I waive the rest of my time.

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

**DUNGAN:** Thank you, Mr. President. I do rise in support of the motion to overrule the Chair. And I just want to echo some of the sentiments we've already heard. This is not about whether or not you believe it did go to the right committee. And this is not about whether or not there are criminal penalties. This is a procedural motion. And Senator Wayne has, I think, talked at great length about how this is the only option that somebody would have if they want to reconsider which committee this would go to. And the fact that there has been a continued discussion and conversation regarding the underlying bill, I think lends further credence to the fact that the clock should be running right now. But my understanding is the clock is currently stopped. And so for those who are watching at home and think this is going to go two hours, and I think cloture was originally around 4:30-something, my understanding is the clock has stopped. And the argument for that is this is procedural and we're not debating the bill. But the opponents to this motion have continued to discuss the bill as well. So the idea that this is not an ongoing conversation about the bill and therefore we shouldn't be having time running simply doesn't hold water with me. I understand tensions are high. People are frustrated on both sides. I get that. But at the end of the day, what we're debating here is whether or not you can amend this motion. And Senator Wayne talked at great length about Mason's rules and specifically handed out to all of us where it says you can. And I think one of the scariest things I've heard in this body thus far in my tenure here is if you have 25 votes, you can do whatever you want. I understand that there is generally precedent and procedure; but if we're just going to allow individuals to do whatever they want if they have the votes and if might makes right, I think that's very scary for this body. So, colleagues, if you want to vote against the motion to change which committee this goes to, if you believe that it was properly referenced to HHS instead of Judiciary, that's fine. You can vote for that. But the question before the body right now is whether or not the Chair made the correct decision in determining that this

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was not a motion that you can amend. Mason's rules goes into great length about what you can amend. Mason's rules go-- goes into great length and details which motions are not amendable and this is not among them. And so while I understand that Mason's is not the rule of the land, our Rule Book specifically references Mason's when it's silent on an issue. And in this particular case, it is silent on this issue. And it has always been our precedent to go to-- to go to Mason's. And so, colleagues, I would just urge you to vote green on the motion to overrule the Chair. We can continue to have a conversation about the bill. But Senator Wayne was correct that this motion was improperly ruled out of order by the Chair. So I would urge you to overrule the Chair in this circumstance. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Senator Erdman has a guest under the south balcony, his wife, Kathy Erdman. Please stand to be recognized by your Nebraska Legislature. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. I rise in support of the motion to overrule the Chair. And I'd like to ask Senator Danielle-- Senator Conrad a question.

**KELLY:** Senator Conrad, would you yield to a question?

**CONRAD:** Yes, of course.

**KELLY:** Thank you, Senator Conrad. As a senior member of this body, as one of the senior members of this body, can you speak to any of the points that have been uplifted during the debate on this motion?

**CONRAD:** Yes. Thank you so much, Senator Hunt. Just a few points, actually, in response to some of the commentary from my good friends and colleagues in this body. This isn't theater. This is about people's lives. And these bills aren't good. They are universally, almost universally opposed by medicine, by science, by the business community, and our families who are crying out week after week after week. The din that we hear from the Rotunda today, yet again, is not typical for our practice and policies in Nebraska. The hundreds, if not thousands, of Nebraskans that have descended upon our Capitol for these public hearings, for subsequent rounds of debate, this is not typical for legislative efforts in Nebraska. And I would also like to add-- address another specific point. I've said before, and I believe in my heart, Tim limit-- term limits, voter suppression, and gerrymandering are not an accident. They're meant to destabilize

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institutions of democracy and that's what's happening this session. I saw what was happening on the political horizon in our sister states, on the federal government, and I saw it coming to our beloved Nebraska, and that's why I reentered public life. And I had never before utilized a sine die motion in eight years of service. But when these measures that had never before been introduced in Nebraska were brought forward as part of a national playbook to tear institutions and families apart, I knew they wouldn't be successful. But it was a protective move to make sure that we can protect the institution, that we get more people paying attention to engage in the process. And I was here working. I was here monitoring these measures. I wasn't running off to a lobbyist lunch when they came in. I was here working. And I love this institution and my fellow Nebraskans so much that we had to send out an alarm bell. And they weren't-- that motion wasn't successful, but it was right. And unfortunately, Senator Hunt, my prediction was right. And these measures have torn apart our body. And rather than listening to science, to business leaders, to doctors, to families, we're doubling down into tribal broken partisan politics. And we're putting these measures as wedges in our personal relationships, in the people's business, and in this proud institution. And it has to stop somewhere. If we're tired of this toxic politic, it has to stop somewhere. And I contend it should stop in Nebraska, and I contend it should be now. And I contend we should move away from our camps and doubling down on bad feelings and bad policy and reset. We should not allow this institution that has always stood apart to be drawn in to the political abyss of dysfunction because it hurts our democracy.

**KELLY:** One minute.

**CONRAD:** And most importantly, it hurts our neighbors. It hurts every citizen in our democracy, because good people say I'm not going to run. Good people say I'm not going to vote. And those are the broader, dramatic, negative implications that come specifically with measures like this, that aren't to address problems before us but are part, specifically part and parcel of a national playbook to divide. Thank you, Senator Hunt.

**KELLY:** Thank you, Senator Conrad. Twenty-three seconds.

**HUNT:** Thank you. Thank you, Senator Conrad. I'll yield my time back.

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

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**BALLARD:** Thank you, Mr. President. I rise in support of LB574 and opposed to the recommit and overrule the Chair and urge my colleagues to do the same. Thank you, Mr. President.

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

**ALBRECHT:** Thank you, Mr. President. I rise in support of LB574 and opposed to the underlying amendments. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I support, even though it's my motion to recommit, I support Senator Wayne's motion because-- or his attempt to recommit to Judiciary because it does have criminal penalties. And the-- the bill that this is expanding, the 20-week ban, that was in Judiciary when that was enacted, and this is expanding that from 20 weeks to 12 and-- actually, not 12, to 10. It's cutting it in half. So it should have had a Judiciary hearing because it is criminal penalties and a-- and that's great that Senator Hansen committed to Senator Riepe that he'd work with him on the criminal penalties. It's not his committee. It's Judiciary. And what does it mean to work with you on criminal penalties? Because once they get this, why would they give us anything else, Senator Riepe? I don't think that they will. But I guess the upside is that once they get this, once they have criminal penalties against doctors that will take effect immediately, because this has an E clause, and our medical community is in upheaval and they leave the state, that flock of God-fearing, baby-loving, as opposed to the rest of us, doctors will come into the state? That's the rationale. But unfortunately, Senator Albrecht's ship will have sailed on her six-week ban because nobody's going to give her a six-week ban when we just passed a ten-week ban, so I guess this has something for everyone to hate. Congratulations. But bygones on that. I do think that this should be recommitted to the Judiciary Committee. I appreciate Senator Wayne's fidelity to our rules. I think that it has kept us in greater stead than we would have otherwise been in this rocky ship that we all are in. So thank you for that, Senator Wayne. And I don't know. I guess we're going to keep on loving on this motion to recommit to committee overruling the Chairs. But I wouldn't take people at their word if they're not willing to do things the right way in the first place, which is to have a public hearing on a totally new amendment that's a totally new bill, and the fact that we're not willing to do the bare minimum of transparency in governance for this bill and this, this pending amendment, makes me

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extraordinarily distrustful of anyone who is attached to that saying, trust me, we'll fix it in post, right? If I was going to trust you, you'd do things the right way to begin with, so-- but I look forward to continuing the conversation on the underlying bill. I think Senator Dungan mentioned that this has not been going against the clock, so we have been on this for like 120 minutes, which would have been the full and fair debate of LB574. And I think it could be argued that this body has been debating LB574 and the pending amendments for the past two hours, but inexplicably to me and others, we are inconsistent in when we count time against the clock and when we don't. But at least we're not yelling the words "at ease" and pretending like that's a real thing. Thank you, Mr. President.

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

**ARMENDARIZ:** I believe I already took my one time on this motion. I waive.

**KELLY:** Thank you, Senator. Senator Wayne, you're recognized to close on the overrule the Chair motion.

**WAYNE:** Thank you, Mr. President. Colleagues, so I know people might be a little upset with me, and it happens from day to day. I get that. But the one thing I've been very, very, very consistent on is trying to have, where are we at on rules? That's-- that's it. I just want to know what they're played by so I can operate within the rules. And in this particular case, there's a lot of talk about everything else. Here's the-- the simple answer. If we would have just granted me this motion, we would be on my amendment to the committee. I'm pretty sure Senator Erdman would have got up and called the question at least an hour ago, and we would have been already on the recommit, because you probably would have voted down going to Judiciary, and then you would vote down the recommit. But the rule is clear. That's why I had to file this. It may have never been filed before. And again, the reason, colleagues, this has never been filed before is because we had the ability to withdraw the motion and put up a motion with the committee. And that one has precedent because Senator Larson tried it. This is different, and I want to separate this motion from the underlining issue. You vote whether-- right now, whether we as a body can do this. And if the answer is yes, based off of all the rules and everything in front of you, then you can still vote down the recommit. You can still vote down whether it can go to Judiciary. You can still vote down whether it goes to HHS. The question before us today is not how you feel about LB574. That ain't the question right now. It'll be later



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today you get to answer that question. The question today, right now in this moment, is does a member of this body have the ability to file a amendment to the recommit motion? So I want people to just step back and think about this, because we're going to set a precedent right now, because it's never been done before. There is no precedent on this issue of whether we can do this. So what you're saying is, whether it's a recommit motion, you have the one time per day. And if somebody makes a-- a mistake, they say recommit of committee, or they put "two" with two o's because they're hurrying up writing it down, there is no way to amend that. That does not make sense for this body. So I would submit to you, overrule the Chair. Don't-- understand, I don't take overruling the Chair lightly at all. I've only made like three of those motions in my seven years down here. But it's when the rule is crystal clear, not when there is-- you see me get on the mic and overrule the Chair this year. And I got at the end and said I withdraw because I was wrong. I found there's mixed precedent. But when it's crystal clear like this, we should vote to overrule the chair. My amendment goes up. I promise you, now that we know what my amendment does, I won't even do an opening. I'll waive opening. You can have a conversation about whether my amendment is right to go to Judiciary. And to be quite honest, Senator Clements sitting next to me is probably right, right? This moment, it shouldn't go there because the attached amendment hasn't happened. That's not the question right now. The question is, can I file this amendment? Can anybody actually file this amendment? And the answer is, unequivocally, yes. It is crystal clear. So let's--

**KELLY:** One minute.

**WAYNE:** --overrule the Chair, vote on this procedure, and then Senator Clements gets up and makes the argument that, hey, it shouldn't go to Judiciary, you vote down that, then you vote down HHS, and then we move on. It's not complicated. That-- the simple question is, do we have the right in this moment to file an amendment on over-- on recommit to the committee? Thank you, Mr. President. I appreciate a green vote, roll call order, regular-- regular order.

**KELLY:** Thank you, Senator Wayne, There's been a request for a roll call vote, regular order. Mr. Clerk. Members, could you please return to your seats for the vote? The mo-- and the vote is on the motion to overrule the Chair. It'll take 24 votes to overrule the Chair. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting

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no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe not voting. Senator McDonnell voting no. Senator McKinney voting yes. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe not voting. Senator Sanders voting no. Senator Slama-- Senator Slama, I'm sorry? voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart. Vote is 15 ayes, 30 nays, Mr. President, on the motion to overrule the Chair.

**KELLY:** The motion fails. Returning to commit-- to debate on the recommit motion-- Senator, please state your point of order.

**M. CAVANAUGH:** We did not get an official point of order and ruling on Senator Hunt's question about whether or not you can yield time or yield to a question during the motion to overrule the Chair. So I would like an official ruling on the point of order because Senator Hunt's point of order was ruled out of order, so for the record, I would like a ruling from the Chair.

**KELLY:** Senator Cavanaugh and Speaker Arch, you want to approach? Members, as further clarification, during a motion to overrule the Chair, each member may speak one time, no member may yield time to another, and any member may ask another member to yield to a question. That's my clarification. Returning to the queue, Senator Albrecht, you're recognized to speak.

**ALBRECHT:** Question.

**KELLY:** The question has been called. Do I see five hands? I do. Members, the question is, shall debate cease? There's been a request for a roll call vote. Mr. Clerk. Senators, please return your chair for that vote. Thank you. Mr. Clerk.

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**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad not voting. Senator Day not voting. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator Hansen not voting. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart. Senator Fredrickson, I'm sorry, not voting. Vote is 30 ayes, 5 nays to cease debate, Mr. President.

**KELLY:** Debate does cease. Senator Machaela Cavanaugh, you're recognized to close on the motion.

**M. CAVANAUGH:** Thank you, Mr. President. So I'm sure people that are not in the Chamber are wondering what is going on. So we had a motion to recommit, and I think like maybe one other person spoke on it, and then Senator Wayne made a point of order and asked for a recommit to a different committee, and the Chair ruled. And then Senator Wayne made a motion to overrule the Chair. And we debated for two hours, that, and then one person got up after that was dispelled with and called the question because there'd been full and fair debate, when I think three people in this body actually spoke on the actual motion. So that's how things are going to go. We're going to continue to be disrespectful to the institution. We're going to continue to be disrespectful to the people of Nebraska. We're going to use every dirty trick we've got to try and ramrod through really bad policy that has not had its day in the sun. That is what is happening here. And that is so disappointing, but not unexpected. It is not unexpected that this body would choose to do things in the darkness, that this body would choose to do things in the least transparent way possible so that they can get the end that they want. This is not how good public policy is made, and this is beneath the Nebraska Legislature.

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Everything about this has been beneath the Nebraska Legislature. At every step in this process, it has been beneath us. It has been beneath us from the rushing to have the committee hearing to the rushing to Exec on it, to the rushing it through on the floor, to the standing at ease, to the disingenuous, bad-faith negotiations, to the colluding with the Board of Health, who they themselves recognize that this is a scope of practice, that this should have gone through the 407 credentialing review process because it is a scope-of-practice change, which is part of our process for making changes to medical standard of care. Everything about this has been messy and in the shadows, and it is so disappointing. I've thought and thought and thought about what I should be saying today because I genuinely want us to be a deliberative body, because we genuinely used to be a deliberative body. And everything I come up with, every single argument that I come up with, I remind myself that it doesn't matter. It doesn't matter what the arguments are. It doesn't matter that hundreds of companies have signed onto letters saying that this is bad for business. It doesn't matter that hundreds of medical professionals have signed on telling us this is bad for business. It doesn't matter how many parents come out there and tell you as they are constituents that they want you to trust them to parent their own child. It doesn't matter because this body is beneath the people of Nebraska and it's beneath this institution, and this body refuses to stand by the integrity--

**KELLY:** One minute.

**M. CAVANAUGH:** --of these hallowed halls, the integrity of what our work is supposed to be. This body refuses to stand by the oath that we all took. It doesn't matter what I say, and I am not foolish enough to think that it does. It still breaks my heart, though, because I love this place. I love this state. I love this place. And I came here to do good things. And I came here to work for the people in my district and the people of this state. And I wish that we were the deliberative body that we were when I first started, but I know that we are not. I know that this is just a game to so many people in this Chamber. And I am sorry to the people of Nebraska who sent us here that that is the case, because it should matter. It very, very much should matter, but I know that it doesn't and--

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you. Roll call vote. Thank you, Mr. President.

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**KELLY:** Thank you, Senator Cavanaugh. The question is the motion to recommit, motion 85. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad not voting. Senator Day not voting. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe not voting. Senator Sanders voting no. Senator Slama voting no. Senator Vargas not voting. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne not voting. Senator Wishart. Vote is 2 ayes, 32 nays, Mr. President, on the motion to recommit.

**KELLY:** The motion fails. Mr. Clerk.

**CLERK:** Mr. President, Senator Hansen would move to reconsider the vote just taken on MO85.

**KELLY:** Senator Hansen, you're recognized to open on the motion.

**HANSEN:** Thank you, Mr. President. Just want to touch a little bit on, since I got a little bit of time here and I may not have any other time to speak, about what the specific amendment, AM1658, does. As a result of extended debate and multiple conversations with those in favor and against, both LB574, the Let Them Grow Act, and LB626, the Heartbeat bill. While some in this body may not consider this to be a compromise amendment, I believe it is. I remember, and I'm sure many of my legislative classmates do, as well, that during our orientation four years ago, we had a guest speaker come to our class and discuss the art of negotiation and compromise. And I distinctly remember the speaker explaining that while one side, typically the majority group, might need or agree to give up some of what they want for the needs or

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wants of the minority group in order to achieve an agreeable compromise. That is what we are talking about with AM1658, so let's go through some of the changes made in AM1658. When it comes to LB626, we kept many of the provisions of the bill but changed the date of when an abortion would be legal from heartbeat to, to 12 weeks. If you remember, this was a typical talking point from the opposition during the debate around LB626. When it comes to changes made in LB574, there would still be a ban on gender-affirming surgery for minors, a topic that was rarely brought up during our listening sessions from both those in support or opposed. Most of the changes pertaining to how the state will implement-- implement the use of gender-affirming hormones and puberty blockers. Instead of a total ban on these, the-- in the bill, the Chief Medical Officer and DHHS will promulgate rules and regulations for the use in minors, and we do lay out specifically in the bill what we would like to see pertain to some of those changes and how they would like to promulgate those rules and regulations. There are some more changes that were made previously that we discussed, and a lot of this came from the listening sessions that we had. And again, I understand that even though we are incorporating, from my understanding, some of the major points that we heard during the listening sessions from the opposition, it may not be enough for some. And I think just in general, we may not reach a compromise no matter how much we try to talk about this bill. So if any other senators get a chance to speak, they can always elaborate a little bit more on the bill itself or some other points of argument from the opposition, if they would like to , as well. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hansen. Returning to the queue, Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, this is my first time to actually talk on the bill itself, so, you know, good work calling the question before anybody got to talk about the bill. So I was-- participated in the, quote unquote, listening sessions, but when I was invited, they were-- I was specifically invited to a conversation about amendments, how to amend the bill. And so I found out in the newspaper that it was a listening exercise, but I approached it with all sincerity. So I came and I did have a conversation about what my concerns were about the bill, and I heard the concerns of folks who are-- were in favor of the bill as it was at the time. And actually, Senator Fredrickson just circulated this side-by-side comparison of the amendments, and you can see my amendment is also on file on this bill, and it has some pretty robust criteria in it that addressed the concerns that were raised. And we presented those to this group and discussed them and then integrated those into an amendment that would

address-- would, again, admittedly, as Senator Hansen said, would not make me happy or folks that were of a similar mind, but wouldn't make the advocates for this bill happy either. And so I would submit to you that my proposed amendment is a more true compromise than what has been proposed in-- by Senator Hansen. And of course, my amendment sticks to the topic of the underlying bill and does not bring in an entirely new bill that didn't have a hearing, actually has a different name than the abortion bill that was presented before, and is substantially different. So that is, I guess, some broad strokes about the conversation. When I was originally going to get a chance to talk, I thought I would get a chance to talk earlier. But when I was in the queue, I was like six people down when we started, and I didn't get to talk on the bill. I was going to talk specifically about the legal concerns I have with the whole scheme of LB574, which is this idea that the state should be involved in determining what type of care is appropriate for certain individuals in the state and to intercede between patients, their parents and doctors. And as Senator Dungan talked about a while back, when he, he got to talk as one of a few people who got to talk before calling the question, he, he talked about the Arkansas case. So in the state of Arkansas, there was a bill that was almost exactly identical to LB574, and the district court in the Eastern District, federal District Court in Arkansas, enjoined that bill from going into effect, basically said this bill can't go into effect. And then the Eighth Circuit Court of Appeals, which is the circuit that the state of Nebraska is in, upheld that decision by the District Court in Arkansas and, again, said that this bill cannot go into effect. And the reasoning, they said, was that the plaintiff, being the patients and their parents and their doctors, were likely to prevail on the merits, meaning that they were going to win this case. And they were going to win because there was no evidence of a state interest, and that this bill, just like LB574, inappropriately discriminated against these patients based off of their gender, so it's gender-based discrimination. And they had that the care that was being li--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- being limited would be available to some patients, but not others, based on their gender, and it was based on the outcome that the state wanted to prevent. And so I would like to talk more on this bill. I don't know if I'll get the opportunity. But what I would say to you is that this bill, and even the suggested amendment by Senator Hansen, does not meet constitutional scrutiny, will be-- is discriminatory and should be struck down by a court. But if you're a person here, sitting here

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thinking about voting for this bill and thinking the courts are going to save you, don't count on it, of course not. Do what is right, right now, and let's put this bill to rest and not have this conversation again in the future. Thank you, Mr. President.

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

**M. CAVANAUGH:** Feels like good old times where it's just I get to talk a bunch. Right? Yeah. So previously, I had distributed a document. It's an LB574 timeline, takes you through all the newspaper articles-- not all of them. There were too many to include. I didn't think people would want to read all of them, but we have-- just-- LB574 infringes on parental rights. Senators Murman, Albrecht, Brewer, Clements, Erdman, Halloran, Hansen, Holdcroft, Lippincott, Moser, DeKay, Lowe, Jacobson cosponsored an entire bill about parental rights. LB374 states, quote, every parent of a child in this state shall have a fundamental right to direct the upbringing, education, care and mental health of the parent's child. This is from Nebraska Examiner on March 27th. Senator Christy Armendariz: I believe there are good parents trying to do the best for their kids, and I don't want to encroach on their rights. LB574 takes away parental rights. It doesn't encroach on them. It takes them away. It takes away a parent's ability to make medical decisions that are best for their child, period. You can dress it up however you want, you can amend it however you want, but at the end of the day, LB574 takes away parental rights. And once we open that Pandora's box, we cannot close it again. There will be future legislators that will come here and they will try to take away parental rights. And guess what? You're not always going to agree with what they're trying to do, but you will have set a precedent that that is acceptable policymaking. You will have set a precedent that it is OK when it is for the greater good in your mind. And that future Legislature may just decide there's another looming pandemic. We cannot entrust parents to ensure the health and safety of their own children. We will require that they vaccinate them, and we can do that because we can look back at LB574 in 2023, and we have evidence that this Legislature has done this before. Everything you do today impacts tomorrow. Whether you want to accept that or not is irrelevant. The fact is, what you set as precedent today will be precedent for future legislators. So if you don't believe it is the government's right or authority to take away parental rights and medical decision making, then you should fundamentally disagree with LB574. It should not matter what the me-- medical decisions are that are being made. It should not matter how you feel about those decisions. What should matter is that you are taking away parental rights and medical



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decision making. I, for one, am a supporter of vaccinations. I believe in them. I believe they save lives. I most certainly made sure that my children were vaccinated against COVID-19 as soon as they were eligible for their various age brackets, 100 percent. I never in a million years--

**ARCH:** One minute.

**M. CAVANAUGH:** --would presume to tell another parent that they should do the same for their child. I believe that my friends and my neighbors are able to make their own choices for their children's medical health. I believe the same when it comes to circumcision. I believe that it is a parent's right to decide whether or not to circumcise a newborn baby boy, a choice that my husband and I were presented with when we had a son. Do we or don't we? And we made that choice together, and it was ours to make. It wasn't our medical providers'. They gave us guidance. They gave us their opinion. It wasn't anyone else's. I didn't ask anyone here. I didn't email my legislator and say, hey, Senator, how do you feel about circumcision for newborns? Should I or shouldn't I? No, because that would be ridiculous.

**ARCH:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**ARCH:** Senator Fredrickson, you are recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. Good evening, colleagues. I rise today-- I think I can confidently say I rise saying something that we all agree on with LB574, which is that we are so ready for this to be done. I've been dreading today and today's debate and discussion and-- and having to speak on this again. And as I was driving in this morning from Omaha, I was thinking a lot about the way that this session has transpired, and I don't think there's a lot of this session that might make sense to a lot of folks, and I don't think it has to make sense, per se. But one thing that was sort of a bit of an "Aha!" moment for me was that I realized that I think so much of what we'd been managing in this space this session is grief. This is grief. I think it's grief for what's happened here. I think it's grief about Nebraska. I think there's some grief about relationships with each other and with our colleagues. And for some, I think it's grief because it's really deeply personal. And I know we speak a lot about not taking things personally, but the reality is this bill is very personal for so many, for so many of us who have

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family or friends, folks we have cared for and love, who are negatively impacted. And I know that many believe that this is the right thing to do, but I think it's really important that we understand what this is and that we're clear-eyed about that. I passed out an article to everyone from The New York Times. The article is called "How a Campaign against Transgender Rights Mobilized." And I hope that folks take the time to read this, but there are a few parts of this article that I think are particularly important. It says: When the Supreme Court declared a constitutional right to same sex marriage nearly eight years ago, social conservatives were set adrift. The ruling stripped them of an issue they had long used to galvanize rank-and-file supporters and big donors, and it left them searching for a cause that, like opposing gay marriage, would rally the base and raise the movement's profile on the national stage. "We knew we needed to find an issue that the candidates were comfortable talking about," said Terry Schilling, the president of the American Principles Project, a social conservative advocacy group. "And we threw everything at the wall." The article goes on to talk about how the initial efforts by the movement to deploy transgender issues did not go well. In 2016, North Carolina legislators voted to bar transgender people from using the bathroom of their preference, and it created a backlash so harsh from corporations, sports teams and even Bruce Springsteen, that lawmakers eventually rescinded the bill. As a result, they were looking for a new approach to the issue. They conducted polling and determined what cur--

**KELLY:** One minute.

**FREDRICKSON:** --what curbing of transgender rights resonated most with voters. And they found out what worked the best was targeting medical treatment for children. This is a recycled playbook that was once used against same-sex marriage. It is now being used in the transgender community. Colleagues, if we are opposed to hyper-partisan divisiveness, as Senator Conrad said, the only way to stop it is to stop it. We have a proud history of a reasonable and thoughtful lawmaking in this Unicameral. We've protected ourselves from some of these movements. I mean, you could probably hear-- I don't know if folks can hear, but it's a madhouse in the Rotunda.

**KELLY:** That's your time, Senator.

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

**KELLY:** Senators, we're directing the staff to close the back doors for purposes of the preservation of the transcript. Senator von Gillern--

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Senator Conrad, could you please approach. Senators, please return to your seats. We're on Final Reading, and we'll ask everyone from this point forward to speak a little louder than perhaps normal, and a little slower and more clearly, so that the Clerk's Office can keep a proper transcript. We'll return to the queue and that's Senator Dungan.

**DUNGAN:** Thank you, Mr. President. Talking loudly has never been a problem for me. [LAUGHTER] I am happy to continue talking loudly about this issue. Colleagues, I do rise in continued opposition to LB574, and I wanted to pick up briefly where my row mate, Senator John Cavanaugh, left off, which is talking about what the purpose behind this legislation is. And without getting too into the weeds, as I am wont to do from time to time, going back and connecting that to what I was talking about the first time is, if you are going to violate somebody's fundamental rights, if you are going to, for example, step in and take away someone's right to privacy, or if you are going to step in and take away someone's right to dictate who they can contract with or, in fact, if you are even going to step in and get in between somebody's right to who they can marry, the courts have decided that there has to be what's called a compelling governmental interest, and the law has to be narrowly tailored for that compelling governmental interest. And what I mean by that is there has to be, essentially, to put it simply, a very, very, very good reason in order for you to do this, and the law has to be incredibly narrow and tailored towards that specific reason. So as we know, there was this Arkansas case, and the reason we keep referencing the Arkansas case is not to belabor it, but because that law is almost identical to what we're dealing with in LB574, which is coincidental that the language would be so similar, although I don't think it's actually coincidental, but the language is very, very close to LB574, if not identical, in most portions. And the courts determined that there is no compelling governmental interest behind Act 626, which is the Arkansas law. Specifically what they said is: The court finds that Act 626 is not substantially related to protecting children in Arkansas from experimental treatment or regulating the ethics of Arkansas doctors and Defendant's purported health concerns regarding the risks of gender transition procedural--procedures are pretextual. The state's reliance on the U.K. High Court's ruling is not credible. If the state's health concerns were genuine, the state would prohibit these procedures for all patients under 18, regardless of gender identity. The state's goal in passing Act 626 was not to ban treatment. It was to ban an outcome that the state deems undesirable. In other words, Defendants' rationale that the Act protects children from experimental treatment and the

long-term irreversible effects of the treatment is counterintuitive to the fact that it allows the same treatment for cisgender minors as long as the desired results conform with the stereotype of their biological sex. So, colleagues, what that means is that when we talk about protecting kids and when we talk about experimental treatment and when we talk about whether or not these procedures are approved or safe, it simply doesn't hold water, nor does it hold a constitutional test, if you only ban them for some kids. When we've talked about LB574 in the past, we talked about how a number of these procedures are in fact used on cisgender children for various things like precocious puberty, right? We've heard that phrase thrown around in here quite a bit. Precocious puberty is when puberty starts too early, and it's a medical condition for which puberty blockers have been and continue to be used. And they do not have these negative side effects that people keep talking about. They do not have these irreversible harms. They do not have the scary, scary outcomes that we keep hearing about from proponents of LB574. And even if they did, if that is the real reason that you believe people should not be receiving this care, then ban it for everyone--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President-- then ban it for everybody. But the second that you start to single out certain people under the pretext of protecting kids and under the pretext of keeping kids safe and under the pretext of making sure that children make the right decision, it simply doesn't make sense, when it doesn't line up with what the reality of the law actually does. So, colleagues, I talked earlier about thinking critically about this, and I encourage you to think critically about what the courts have already done. We should not be in the business here in Nebraska of passing legislation that has already been found essentially to be unconstitutional by one district court, federal district court, and that ruling was upheld, or the enjoining was upheld by the circuit court already, a circuit that we are a part of, I believe. We should not be in the business of passing legislation simply because we don't like the outcome of what some people choose to do. If your real concern was safety, this would not be your argument.

**KELLY:** That's your time, Senator.

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

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

**HUNT:** Thank you. Fuck. Thank you, Mr. President. You know what they're chanting out there? I just got it. They're chanting, "One more vote to save our lives." They're chanting, "One more vote to save our lives." Whether you're talking about-- you know, we all know what's going on with this bill and what you guys have put onto it. Whether we're talking about mothers with devastating fetal diagnoses who you think should be forced to carry a baby to term that has a brain outside of its head-- what is wrong with you?-- or you're talking about trans children who are 4, 5, 6, who are 16, 17, 18, who can be all ages, but the way government is coming down in this body between a parent and a family and their child and a healthcare professional is unprecedented. It's unreal. And from Senator Kathleen Kauth, who spoke against Dr. Lindsay Huse in Douglas County for saying during COVID-19 that we should be wearing masks in public places, saying that Dr. Huse was unelected and unqualified, now she wants to have the Chief Medical Officer of Nebraska saying what should happen with trans kids? You know why they like this amendment? I know why all of you like this amendment. It's because it makes the bill worse. Thank you. Thank you. It makes the bill worse. Some veterinarian, some ear, nose, throat doctor, whoever, who is the Chief Medical Officer at the moment for the state of Nebraska, gets to determine what the regulations around gender-affirming care is going to be for kids? And you think that's going to be something well-informed that makes sense? Just look at what happened in Florida. In Florida, they did that and they passed some of the most stringent laws that we have. It's-- it's literally more restrictive than the original LB574. So for those of you sleeping at night, patting yourselves on the back, saying this amendment is really a great compromise, it's really harming kids more. It's-- it's really unconscionable. And to hear them out there saying, "One more vote to save our lives," it is not hyperbole to say that that's right. Just by introducing this bill, spikes to the suicide hotline in Nebraska-- calls to the suicide hotline in Nebraska spiked after the first round of General File debate when we didn't stop the clock, by the way; calls to the suicide hotline spiked. They spike every time we talk about this and we are going to lose somebody. We have already lost people in our community over the last year. We have lost very, very important people in Omaha and Lincoln and throughout Nebraska from the trans and LGBTQ community, because they know that this is not a place where they are welcomed. Senator Riepe, you should understand that if this passes, you will never get the votes next year to repeal criminal penalties. You are on an island by yourself with that moral view among members of your party. All of this debate is for you. All of this debate on both sides is speaking to one or two men in this Chamber.

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**KELLY:** One minute.

**HUNT:** And that is a shame. Hundreds of people are in the Rotunda chanting, "One more vote to save our lives," and it's coming down to one or two men who are scared. You can have at least as much courage as the trans kids and their families out in the Rotunda who have to live every day, who have to go to school, and who, by the grace of God, get the courage to come here to their State Legislature and say it to you. Thank you, Mr. President.

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

**McDONNELL:** Thank you, Mr. President. Good evening, colleagues. I rise to thank Senator Hansen and the work that he did on-- on AM1658, and others that possibly tried to-- to help with that amendment and were successful and possibly were not successful in their view, but I appreciate their effort. Also, I appreciate Senator Kauth and bringing LB574, and I have a question for Senator Kauth if she'd please yield to-- yield to a question.

**KELLY:** Senator Kauth, will you yield to a question?

**KAUTH:** I will.

**McDONNELL:** Why did you bring LB574?

**KAUTH:** So last summer, when I was doing door knocking, going door to door, people were asking what it was that I was interested in serving for, and my answer was protecting against federal overreach. And at that time, the Biden administration had put out a statement saying that all schools would be forced to have a statement of gender inclusivity. That would mean boys would play on girls' teams and boys and girls could share each other's locker rooms and bathrooms, and if not, they would have their free and reduced lunch money pulled. That is not the job of the federal government. That is the state's job. So I started looking into it and started talking to people more and more, and that's how LB575, Sports and Spaces, came up. And going through Sports and Spaces and learning more about that, I came to understand how much this movement is really affecting children, how these drugs and these surgeries and the idea that they can change their biological sex is negatively impacting our children. Our kids deserve the right to grow up and to understand their bodies and to not make those decisions before they are adults. We are all very, very cognizant of the fact that children do not make good decisions, that children's

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brains don't start-- stop developing until they're almost 25. Here in the state of Nebraska, our age of majority is 19, so that's why we put the limit at 19. Kids deserve the right to grow up and not have to deal with this until they are adults and can make informed decisions. Thank you for the question.

**McDONNELL:** Thank you, Senator Kauth. Thank you, Mr. President.

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

**BOSN:** Question.

**KELLY:** The question's been called. Do I see five hands? I do. The question is, shall-- shall debate-- Senator Cavanaugh, please state your point of order.

**M. CAVANAUGH:** There's inconsistency as to whether you make a ruling on calling the question and whether you put it to a vote of the body. And there's also four rows of people in the queue.

**KELLY:** Senator, your point of order is out of order. Senators, the question is, shall debate cease? All those in favor vote aye-- and there's been a request for a roll call vote. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day not voting. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen not voting. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes.

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Senator Walz not voting. Senator Wayne. Senator Wishart. Vote is 30 ayes, 5 nays to cease debate, Mr. President.

**KELLY:** Debate does cease. Senator Conrad, for what purpose do you rise?

**CONRAD:** Mr. President, I'd request that I could change my vote to present, not voting, please.

**KELLY:** It will be changed.

**CLERK:** Senator Conrad voting present, not voting. Vote is 30 ayes, 4 nays, Mr. President, on-- to cease debate.

**KELLY:** Debate does cease. Senator Hansen, you're recognized to close on your motion and waive. Members, the question is-- the question is the motion to reconsider. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad not voting. Senator Day not voting. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen-- Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe not voting. Senator Sanders voting no. Senator Slama voting no. Senator Vargas not voting. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne not voting. Senator Wishart. Vote is 0 ayes, 33 nays, Mr. President, on the motion to reconsider.

**KELLY:** The motion fails. Senator John Cavanaugh, for what purpose do you rise?

**J. CAVANAUGH:** Mr. President, I'd like another motion to reconsider.



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**KELLY:** Speaker Arch and Senator Cavanaugh, could you come up? Members, Senator John Cavanaugh just made a second motion to recommit or to reconsider, I should say, the original vote on the recommit. Pursuant to Rule 7, Section 7, the very last sentence, this would require a unanimous consent to raise the motion. Senator Slama, you're recognized-- or what-- for what purpose do you rise?

**SLAMA:** To object to the unanimous consent approval of the second reconsideration motion.

**KELLY:** Next item, Mr. President. Senator John Cavanaugh, I'd-- I would rule your motion dilatory at this point for the purpose-- for backdating to Senator Slama's one objection. All it would take is one, and it could not be unanimous. State your point of order.

**J. CAVANAUGH:** Thank you, Mr. President. I object to the germaneness of the next item that we're going to take up on the agenda.

**KELLY:** It's not before us. So I'm ruling that-- I'm not ruling. I believe that's just out of order.

**J. CAVANAUGH:** I move to override the-- overrule the Chair on that ruling then.

**KELLY:** I haven't made a ruling. I've simply said it's out of order and I'm going to ask the Clerk to proceed to the next item on the agenda. And, yeah, there-- there's no-- there's nothing before us now. So, Mr. Clerk. Yeah, why don't you come up, Senator Cavanaugh. Mr. Clerk, next agenda item.

**CLERK:** Senator Kauth, I have AM901, AM976, and AM873, all with notes you wish to withdraw.

**KELLY:** Senator, there's-- Senators, there's nothing to object to. It's the privilege of a member to withdraw their own amendment. Mr. Clerk.

**DAY:** Point of order.

**KELLY:** Senator Day, please state your point.

**M. CAVANAUGH:** Cavanaugh. Senator Cavanaugh.

**KELLY:** Senator Machaela Cavanaugh, please state your point.

**M. CAVANAUGH:** Thank you. I take it as a great compliment to be mistaken for Senator Day. We have not had a clear understanding of

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what counts towards the clock and what does not count towards the clock. It has been inconsistent today and previous times on the debate on this. We should have been done with this bill hours ago. I would like a ruling as to where we are at on debate on LB574.

**KELLY:** It's our understanding that cloture would be in order around 6:23, Senator Cavanaugh.

**M. CAVANAUGH:** What is the precedent? What is the time? Why is it 6:23? We've been going for several hours. What counted and did not count towards this time?

**KELLY:** Per directions from the Speaker, procedural motions have not counted against the time, for instance, the motion to overrule the Chair. Others have run on the clock.

**M. CAVANAUGH:** The points of order have run on the clock.

**KELLY:** That is correct, Senator.

**M. CAVANAUGH:** Then we should be done with this bill.

**KELLY:** Senator, cloture, is at 6:23. Mr. Clerk, for the next item.

**CLERK:** Mr. President, next item, AM1658, from Senator Ben Hansen. He would move to return to Select File for that specific amendment.

**KELLY:** Senator John Cavanaugh, you have a point of order. Please state your point of order.

**J. CAVANAUGH:** Thank you, Mr. President. Pursuant to Rule 7, Section 3(d), no motion, proposition, or subject, different from the under-- that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. AM1658 has an entirely new subject and section, basically a new law that is not germane to the underlying bill of LB574.

**KELLY:** Senator John Cavanaugh and Senator Hansen, could you approach, please. Senator John Cavanaugh, please restate your reasons regarding germaneness.

**J. CAVANAUGH:** Thank you, Mr. President. How much time do I get for that?

**KELLY:** Five minutes.

**J. CAVANAUGH:** Thank you, Mr. President. So I guess I'm addressing this to you, Mr. President. But for-- colleagues, for your edification, the rule of germaneness requires that any amendment be in the logical-- natural and logical sequence of the matter of the original bill. LB574 is a bill that restricts access to gender-affirming care for individuals under the age of 19 in the state of Nebraska. AM1658 ha-- restricts or puts a prohibition on access to abortion in the state of Nebraska. AM1658 has a named title of something along the lines of the Unborn Child Act, or something along those lines, which is completely outside of the scope of LB574. LB574 has nothing to do with abortion, has nothing to do with prenatal care, it has nothing to do with access to abortion healthcare. And so AM1658 is attempting to insert abortion into LB574 when it has never been a part of this bill. The one-line description for the bill, of LB574, is a bill for an act relating to health and welfare; and LB626, which is where most of the parts of LB-- or AM1658 were taken from, is a bill for an act relating to abortion. The bills were heard separately, separate dates. They amend-- they're amending different sections of the statute. LB574 impacts mental health therapy, pharmacists, pediatrics. AM1658 impacts maternal medicine, OB/GYNs, law enforcement modifications for sexual assault exceptions, and there are arguably criminal penalties, which we've had extensive conversation about. It is not in the natural sequence-- there's not a natural sequence between them and they-- they are separate bills to begin with that we're just sticking together. So there is no logical connection between those provisions of AM1658. For example, a ban on abortion except for ra-- rape victims and a ban on gender-altering surgeries are separate concepts and neither is interrelated with each other. LB574 does not A-- does not need AM1658 to pass into law, although apparently for political reasons it may, but that is not a reason to override germaneness. LB-- LB574 and AM1658 are substantially different and do not-- or do not follow in the logical course of one another. These bills are only joined together because the Governor and a majority of the senators want them to be joined together for political-- for political ends. So, Mr. President, I ask you to rule this amendment is not germane to LB574. Thank you.

**KELLY:** Thank you, Senator Cavanaugh. Senator Hansen, will you explain your reasons that you believe the amendment is germane?

**HANSEN:** Thank you, Mr. President. I feel my amendment, AM1658, to LB574 is germane for a number of reasons and many that are not new to the Legislature. Both pieces of this amendment revise the same chapter of law, Chapter 38, which directs the practice of medicine. Additionally, both concern the oversight of the Department of Health

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and Human Services for licensure. Both deal with the safety and welfare of human life, particularly children. And finally, both LB574 and LB626 went to the HHS Committee and were voted out of that committee. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hansen. Senators, it's the ruling of the Chair that the amendment is germane. AM1658 is germane to LB574. Senator John Cavanaugh, you have a point of order.

**J. CAVANAUGH:** Thank you, Mr. President. I move to overrule the Chair.

**KELLY:** Senator Cavanaugh, you're recognized to open on your motion to overrule the Chair. Again, each senator will speak-- this isn't against your time. Each senator will speak one time. You are allowed to ask others to yield. You are not allowed to yield your time to others. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. President. So, colleagues, I told you before that you probably would be deciding this, and I was right. So I will just, for your purposes, now that you're listening, remind you that the germaneness rule is Rule 7, Section 3, subdivision (d), and it provides that an amendment is not germane and is out of order that if-- or is only germane if-- if it relates to the details of a specific subject of the bill and must be in the natural logical sequence of the-- to the matter of the original proposal. A nongermane amendment includes one that is relate-- that is related to a substantially different subject. It doesn't say that it can come out of the same-- if it comes out of the same committee, it's related to the substantially same subject. It doesn't say if they were heard in the same committee. Those aren't the standards, that if the committee voted them out. The standard is whether the amendment and the original bill are related to each other. And there's no logical, which is both a word to describe this but also in the section of the rules, but there is no logical reason that these two amendments-- or these two-- this statute-- this proposed bill and this proposed amendment go together. They would-- they stand alone. They adopt-- they modify separate sections of the statute. They address different conduct entirely. One addresses medical care for transgender young people. Just going to wait until the door closed to talk again. And the other one puts a ten-week ban on access to reproductive healthcare in this state. One bans certain types of therapy and medical care for young people, and the other one bans access to abortion, but for exceptions of rape and incest. And so they are two completely separate things, and to shoehorn one into the other for political purposes is wrong.

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We're having a very long conversation here on a two-hour bill. How much time do I have, Mr. President?

**KELLY:** 7:15.

**J. CAVANAUGH:** OK, thank you. I didn't know if I get ten or five, so I actually appreciate the chance to talk on this because I didn't get a chance to talk earlier because the question was called so quickly. And we've been here for a long time be-- on a two-hour bill. This bill started at sometime around 2:00, could have stopped at 4:00, and there have been a constant change in the goalposts about where-- what rules apply and when. And we've had a lot of conversation about the diff-- those changes as we've had this-- this debate today. This debate should have been over almost two hours ago based off of how the clock has been measured so far, and this bill should have died on Select File, but we suspended the rules in the heat of the moment to, I don't know, talk some sense into some people. And as a result of that, I was invited to a conversation to discuss an amendment. And I told you earlier that I, as a result of that conversation that I took seriously, I proposed an amendment that is actually another amendment after this, that won't get heard today, but it only addresses the subject of LB574. And in those conversations, listening sessions, amendment conversations that we-- that you've heard about, never was any type of abortion care brought up because it wasn't relevant to the conversation. It didn't lo-- flow logically and in sequence from the subject we were talking about. Abortion has never come up in this debate on the first two rounds, and it wouldn't be talked about today, but for the fact that this amendment is attempting to insert it into this bill. And so there's been a lot made in this session, a lot of frustration about moving the goalposts, changing the rules to get desired outcomes. And that's exactly what's happening here. If the Chair has ruled that this is germane, and that's because, no offense, Mr. President, but he wants a particular outcome. The Governor wants a particular outcome, as well, and many of the senators here want this particular outcome. That is not the rule of law. That is not how this place should work. And I've said it many times before, that if you bend the rules to get the outcome you want, sometime they will be bent against you to get a different outcome that you don't want. And so many of you-- I know, I've had many personal conversations with you-- do not like how this bill has been-- has moved through this body, do not like the result that is being sought through this bill, but it's become entirely about politics. In those conversations we had, in the listening sessions, in the amendment conversations, we didn't talk about abortion. But you know what we did talk about, is the necessity to get a bill that got 33 votes. It wasn't about-- it wasn't about

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what's right for kids, not about what's right for parents, not what's right about-- for doctors, not what's right for Nebraskans. It was about crafting a bill that could get 33 votes. That's why this amendment is here. That's what AM1658 is about. It's about getting to 33. It's not about the right policy for Nebraskans. When AM1650-- or AM1658 was proposed, many people were confused about what it contained. Some people thought it contained fetal anomaly, an exemption for fetal anomaly. It doesn't. Some people think that AM1658 will allow for individuals to continue get gender-- to continue having access to gender-affirming care. It won't. It creates a political process by a political appointee who has already expressed their opinion about this. That political appointee was one of the signees to a letter written in the cover of darkness and submitted to us on plain paper, not letterhead, and was subjected to a Freedom of Information Act request that revealed the political nature of that decision. And now this amendment seeks to put this power in that person's hands. So I told you earlier, if you think the courts are going to save you from yourselves, don't count on it. And if you think the political process is going to save you from yourselves, don't count on that either. But the question here is not what is this bill going to do? Right now, the question before you is whether or not this amendment fits within the standard of our rules to be germane, meaning does this abortion ban follow logically and consistently from a ban on gender-affirming care for transgender youth in the state of Nebraska? It clearly does not. It violates the germaneness rule. And I guess, if you vote not to overrule the Chair, it would just be one more brick in the wall. But as I've said many times, I'm an optimist. I think people always have the opportunity to do the right thing in the moment, and this is a moment where you can do the right thing. You can vote to overrule the Chair, strike this amendment, and we can move on to my amendment, which is truly a compromise amendment as a result of a conversation, and we can talk about that and I can explain to you the substance of that amendment. But if you vote no to overruling the Chair, you're stuck with this amendment, ill-conceived, political-motivated amendment. So I ask for your green vote in overruling the Chair. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Mr. Clerk, for a-- for a motion.

**CLERK:** Mr. President, Sen-- priority motion. Senator Dungan would move to recess the body until 10:00 p.m.

**KELLY:** Pursuant to the rules, Speaker Arch, you're recognized to speak on this matter.

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**ARCH:** Thank you, Mr. President. Colleagues, we've been on LB574 on Final Reading since 2:40 this afternoon. I would ask that you vote no on the recess motion. We need to finish the bill. When we resume debate, we'll have approximately 15 minutes remaining on debate, and I believe we need to-- we need to finish the bill. So with that, I would ask for a no vote on the motion to recess.

**KELLY:** Members, the-- members, the question is the motion to recess. All those in favor vote aye; all--

**RAYBOULD:** Point of order.

**KELLY:** Please state your point of order, Senator Raybould.

**RAYBOULD:** The Speak-- the Speaker just clarified that we have been debating LB574 since 2:30. Could you clarify that? If the-- if-- if that is the case, then we are-- we were done a long time ago.

**KELLY:** Senator, the clock doesn't run on procedural motions such as overruling the Chair.

**RAYBOULD:** But that is what the Speaker said.

**KELLY:** Senator, if you want to approach, that-- members, the question before the body is the motion to recess. All those in favor vote aye.

**DUNGAN:** Roll call.

**KELLY:** There's been a re-- can you-- been a request for a roll call vote. Mr. Clerk.

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

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Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas not voting. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne not voting. Senator Wishart. Vote is 0 ayes, 35 nays, Mr. President, on the motion to recess.

**KELLY:** The motion to recess fails. Resuming to the queue on the motion to overrule the Chair. Senator Hansen, you're recognized to speak, and waives. Senator Slama-- excuse me, Senator Jacobson, you're recognized to speak, and waives. Senator Slama waives. Senator Erdman waives. Senator Day, you're recognized to speak.

**DAY:** Thank you, Mr. President. I just want to clarify what myself and Senator Raybould went up to the front to talk to the Clerk and the Chair, Lieutenant Governor Kelly, about. So on Final Reading, cloture is supposed to come at the two-hour mark, and we are now at the four-hour mark on this bill. There has been some discussion and disagreement about whether or not certain procedural discussions or motions count against the clock and count towards the two hours on Final Reading. It has been our discovery that on previous rounds of debate, on other bills and on this bill, in particular, that the motion to overrule the Chair has counted towards the total time to get to cloture. For instance, on General File on LB574, the motion to overrule the Chair essentially took the entire morning. There were then two subsequent mornings that were counted towards the time for General debate. So we know that when we were doing only half-day debate, we went from 9:00 a.m. to noon with about 15 minutes in the morning after-- for roll call, excuse me. So that puts us at 3, 6, 9 hours, minus 45 minutes for roll call. That puts us at 8 hours and 15 minutes. Considering the first entire day was taken up by the motion to overrule the Chair, there is absolutely no way that the procedural motions and the motion to overrule the Chair did not count towards the entire time that counted towards cloture on General File, on this bill in particular. Now, we're here today, after 4 hours of debate, hearing a different story, that the motion to overrule the Chair pauses the clock. The problem with that is what it does, is it, number one, allows the proponents of this bill and this amendment to have more time to get their amendment up on the board. So if we're filibustering and they want to get to their amendment, all they have to do is pause the clock and say, well, none of that time that anybody was on the mic, none of that counts. Oh, let's restart the clock again, now it's going to count. And you know what happened the last time the clock started again? The very first person in the queue called the question. So we essentially had, I don't know, an hour of debate on the motion



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to overrule the Chair the first time and a discussion about the rules and an occasional, occasional senator would talk about the substance of the bill, and then we had no time to debate the bill and the motion up on the board before the question was called and debate was ceased on that motion, another way that we are changing and adapting the rules, day by day, bill by bill, to get what we want. I understand that the Speaker also has his political interests involved in this bill. The Chair, who is the Lieutenant Governor, has his political interest in this bill. But you start to see where the people who are making the ultimate decision about points of order, about the clock running or not running, starts to conflict with the interests--

**KELLY:** One minute.

**DAY:** --of the people-- thank you, Mr. President-- starts to conflict with the interests of the people making the ultimate decision. Because realistically, if we were following what we've done, what we did on General File on this bill, we would have been done with this bill two hours ago. We wouldn't have gotten to the amendment and proponents would have been forced to vote on the original bill. But here we are, four hours later, with the amendment up on the board, after plenty of procedural shenanigans and lots of favorable rulings from the Chair, with the amendment on the board and the rules being bent once again. I understand that there's been other-- other bills where the motion to overrule the Chair has not counted towards the clock in between that round and this round, but--

**KELLY:** That's your time, Senator.

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

**KELLY:** Thank you, Senator Day. Senator Kauth, you're recognized to speak, and waived. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. And thank you, colleagues. I rise in support of the motion to overrule the Chair and believe that the amendment is absolutely nongermane to the underlying measure. And I want to just reaffirm some of the points that my friend Senator Day made. This is, I think, really a, a tale of two sessions, and it's not just a matter of individual opinions, because of course this is all on the record and easily ascertainable. And issues as to process, issues as to substance, we'll have a clear record, and that will be subject to potential future action. And I do not think it will be-- speak of the Nebraska Legislature, in terms of how we have conducted ourselves in regards to this measure, very well, in the present term nor in

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history. It's important to note that there has been, I think, a lot of different rulings for different purposes to achieve a desired result. We've heard from members and friends of mine today who say, well, don't speak on the underlying bill if there's procedural motions up, but then, when we try to speak to the substantive nature of the underlying bills and amendments, the question is immediately called. So I-- I think it's very clear how the majority is weaponizing the rules to ensure that there is a record in-- somewhat in disarray and to prevent substantive debate on the measure. A couple other key points that I want to note in addition to reaffirming the excellent work that my friend John Cavanaugh, Senator John Cavanaugh, did in laying out why this measure is nongermane and should not be in order for voting on and consideration this evening. So I want to direct the body's attention to some pieces that are outside of the legislative record thus far. And if you look to the Nebraska Examiner on April 28, 2023, this was right after we saw LB626 fail on Select File by one vote on cloture. And this is just one example of many examples in the public record where the Speaker was crystal clear in noting LB626-- [RECORDER MALFUNCTION]. It will not be scheduled. I-- this-- it follows what the Speaker had laid out in a February memo to his colleagues and that bills that failed to get cloture will not be rescheduled. I won't be rescheduling LB626, he said. But just moments ago, colleagues, we heard from Senator Ben Hansen about how this is a modified version of LB626. So we can't have it both ways. And they know that, and they're in between a rock and a hard place here. If they admit that this is LB626, they know it's not germane and they're in violation of the Speaker's rules and memos. And it is bad faith in terms of projecting that to the many stakeholders that have an interest in this issue. So then just a few days ago, we hear about this amended version coming together and people have said, well, this isn't LB626, this is a new bill. Well, if that's the case, colleagues, then this wasn't introduced in the 10 days of bill introduction. It wasn't subject to public hearing and therefore, it is nongermane and out of order. So you can't have it both ways, even though the majority is attempting to do so. I also want to note, in addition to being nongermane-- and this is the whole point when you look at the meat of the germaneness rule, you can't violate the title and the single-subject components under color of amendment, which is exactly what is being attempted by the majority at this point in time. And what they're trying to do is clear. They're--

**KELLY:** One minute.

**CONRAD:** --logrolling. Thank you, Mr. President. If you look at the May 15, 2023 article from the Nebraska Examiner-- and we don't even have

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to guess about what's happening here-- our colleagues were clear. They could not get consensus for the majority of 33 votes on either LB574 or LB626, and so they've created this false compromise. They've mushed them together. That's a classic logroll. That's a classic violation of both the title and the single-subject component and it is deeply connected to application and interpretation of the germaneness rule, which should be overruled. And I would ask colleagues to carefully look at their Rule Book, to look carefully at these statements that have been made clearly in the press by our colleagues. And it goes to further the point that this measure is nongermane. It violates--

**KELLY:** That's your time, Senator.

**CONRAD:** --single subject and it violates title. Thank you, Mr. President.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I am thrilled that I get to actually speak on this motion to overrule the Chair, which I do support. And I agree that this is not a germane amendment. I was one of the people that was left in the queue when you called it to question and everyone had not spoken and it was ruled in order. So imagine my surprise. The reason that I do support overruling the Chair, the reason that I do agree that this is not germane has literally already been said by multiple senators, for those of you that are actually listening. So why don't I support the amendment? Because the amendment you have told me is a compromise. It is not a compromise. This amendment was developed at the last minute in bad faith without input from the working group and is nothing more than a vague gender-affirming care ban combined with a nine to ten week-- not 12 weeks because it starts with menses-- do-over abortion that has no exception for fetal anomalies but are incompatible with life, the life that so many people that are sitting here today claim is important to them. This amendment will not be the end of this issue either because folks are going to keep pushing through these harmful policies and they're going to keep coming back for more and more, regardless of what the majority of the second house, the second house here in Nebraska is asking us for. This amendment creates more risk and uncertainty, uncertainty, uncertainty-- I can't say the word today-- for families and doctors and advocates our decision-making as elected leaders to unelected political appointees who are bureaucrats, and who have already worked to ban healthcare for trans care and for women. There were some people chuckling when they heard that the purpose of

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this bill was to prevent government overreach. Again, they chuckled. I have never seen a bill outside of a few bills a couple of years ago that screamed government overreach more so to me than this bill. We don't belong in a doctor's office. We are not doctors. We should not be wasting time on bills like this that are so poorly written. That's the thing that I tell everybody. And I know there's people in the balcony that I've emailed this response to because I recognize some of you. If you feel so strongly about these issues, why do you keep letting senators bring forward bills that are so poorly written, so poorly written that they cause collateral damage, so poorly written that they're going to end up in the courts? And for my friends that support the military, by the way, you have heard what's happening to Space Command, right? The state that won Space Command may be losing Space Command because they pushed forward such extreme abortion bills. If indeed we push forward that bill, there's one state left that could get Space Command that was interested in it and that's Colorado. Why don't we just give everything to Colorado? Because they protect women's rights, they listen to their constituents and they make sure there is no collateral damage. We've opened a door that we cannot close if we pass this bill, especially with the amendment. You crafted a bill and created a false narrative that hundreds of children in Nebraska are lining up for these types of surgeries. And again, the average age for these types of surgery is 29.5 years of age.

**KELLY:** One minute.

**BLOOD:** But guess what? If we told you that, you wouldn't be rushing to support this bill. If we make it about the babies, if we make it about the children, even if we're talking about three children, four children, they're going to make you think it's 400, 4,000. Nebraskans are so much smarter than that. You can support your causes, but quit supporting bad legislation. If it's so important to you, don't dig in your heels and go, regardless of how poorly this is written and regardless of who this hurts, I'm going to support it. Use your intelligence. Use your knowhow. Use your knowledge. For those people, tell them to do better. Tell them that you expect better. Because I will never support a bill regardless of the topic written this poorly, even if it was something I felt really strongly about that I wanted to support.

**KELLY:** That's your time--

**BLOOD:** I will never.

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**KELLY:** --Senator. Thank you, Senator Blood. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. I'm going to take my time talking about the bill itself and the amendment that Senator Hansen brought. First of all, I think for the most part, you all know how important my faith is to me. And I know you probably even get sick of hearing me say that. I made a commitment to myself as I traveled down Highway 77 on my very first day at work as a senator that I would not change who I am and I will not change what I stand for. In fact, I've had some pretty extensive conversations with friends on the floor about how important my faith is, as well as listening to that inner voice and not being afraid to share my feelings with others. That being said, colleagues, it is my belief that we are all created by God and that we are all created with dignity and we are all created with worth, regardless of the color of your skin, ethnicity, social status, success or any mistakes that you've ever made. So I have a difficult time with policy that puts us in a position where we determine somebody's existence or we determine how someone should exist. And as we know, because it has been very apparent on this legislative, legislative floor and across our nation, that emotions run high. And it seems to me that we lose sight of that truth that I just talked about. Secondly, I want to remind all of you that being transgender is not a crime, just like it's not a crime to be a Republican or a Democrat. It's not a crime to be wealthy or homeless. It's not a crime to be divorced. It's not a crime to be transgender. And it's not a crime to be a parent of a transgender child. With that said, we do want to protect the people that we represent with sound and thoughtful policy; not political agendas, but sound and thoughtful policy. As we worked on this bill in our committee, we spent a considerable amount of time listening to the people who were on that committee. At one point, I asked Senator Kauth-- and she might remember this-- what the goal of the bill was. And Senator Kauth said the goal is to protect children. And throughout our conversations, I expressed my concern, always trying to keep that goal in mind, about how we could create policy that would truly assist kids and parents in making life-changing decisions. How do we create policy that includes input from all and that is considerate?

**KELLY:** One minute.

**WALZ:** Senator Cavanaugh, Frederickson and myself spent a good time of-- good deal of time discussing what other committee members had said. We took it pretty seriously, to be honest with you. Senator Cavanaugh created a process or a-- created-- drafted a, a process, an

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amendment that detailed a checklist that children and their parents would utilize, a system of checking a number of boxes prior to making any decisions to continue on with gender-affirming care. I talked to Senator Hansen and let him know that I do oppose his amendment because it lacks timelines, it lacks parental consent, and I don't believe that we have done our best with this piece of legislation. There are some important pieces missing. I would much rather see policy--

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator von Gillern, you're recognized and waive. Thank you. Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you very much. I am in support of the overrule the Chair for germaneness. I'm going to speak to that, and then I'll probably speak on the bill because we're going to call the question anyway. So, you know, the struggle that I have with this is about the fairness of how we go about working with each other. And there's two things that when I was hearing Senator Conrad talk about what has happened in the past or what's been communicated-- and it has been communicated that this has been dead, that this is not going to come back and it is coming back. Let's make the assumption that it is the same bill. If it's the same bill but what's been communicated to us that it's not coming back, then there's unfairness, which is part of the reason why we hear people chanting outside: the inherent unfairness of something that's coming back if it's the exact same or very similar, very similar bill. And that is so hard to stomach when we are trying to operate within some level of fairness in this body. Now let's assume that there's different content, which is why I support the germaneness. I think there's a lot of different content in this that warrants a hearing. That is personally hard to stomach for me. Too. Put aside the disagreements with I'm against the amendment. I introduced a bill to try to protect meatpacking plant workers years ago. And when I introduced an amendment to another bill, it prompted a separate hearing because it was substantially new information, and we had a hearing in committee because it was so brand new. Components of this that have to do with the new powers or the new responsibilities put within the Board of Health is a substantially new set of circumstances that warrants having a hearing. I worked within the rules to make sure that we had a hearing and that it came to debate and then it died on the floor. I didn't resurrect it and put it into something else. It died. My bill died and it had its time in the hearing. Here, we are going around it and telling it this is way more

important and that's this part of the unfairness that is just incredibly difficult for me to stomach and it's why people are upset. There are people upset because of the policy, but also people are upset because it was communicated that it's dead, and now it's come back in a different form. I don't know how we come back from that because it means we're picking and choosing senators' bills or amendments and saying this is a main priority. We're going to do everything we can to pass it, no matter if it supersedes tradition or rules or standards that we have set ourselves. And as somebody that's trying to work within the rules as much as humanly possible, that is very difficult. And for the public, I'm sorry, because we are setting different standards for different sets of bills and for different senators. I want to believe that it's going to be different this next time around, next year, and I really hope it is. But it's hard for me to stomach that my bills were treated differently years ago and that we are treating this differently, which is why I support the germaneness. I think it needs-- it is different information that needs to be taken up in a bill. And only a couple of things I'll say about the bill. I think I've been clear in the past. It's my first time on the mic talking about it. I think it's government overreach. I don't think it-- we talk about respecting parents all the time. And I think we've made it very clear and I'm making it very clear that this is about people's privacy and independent decisions--

**KELLY:** One minute.

**VARGAS:** --on both issues. I want to respect those people's rights. And I'm struggling with the fact that we talk about respecting people's individual rights and freedoms so much. But on this issue, we say, no, I want to be able to make the decision or I want somebody else that's appointed in a position to make that decision for you, when parents know what's best for their kids. I have two young kids. I, I want to make sure I have the say in what is happening with my kids. And for the issues of privacy for women, this is about whether or not politicians should be involved at all. And I made it very clear I don't think they should. I was joking with a senator that these issues within medical scopes of practices, we leave it up to the medical professionals. And we're not doing it in this case. Colleagues, I support the over-- the overrule the Chair, because I don't think we are applying equally or being consistent in our standards.

**KELLY:** That's your time, Senator.

**VARGAS:** Thank you.

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**KELLY:** Thank you, Senator Vargas. Senator Briese, you're recognized and waived. Senator Linehan, you're recognized to speak, and waived. Senator DeKay, you recognized to speak, waived. Senator Holdcroft, you're recognized and waived. Senator Aguilar waives. Senator Hughes is recognized and waives. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. It's interesting because there's, there's a lot of people here today paying attention to this bill. And the really telling thing for me is that the vast majority of people who support this bill, this LB574, the trans bill, they're not affected by the bill. And the vast majority of those who are against the bill, or at least a large contingent of those who are against the bill, are affected by it. The people who support the bill aren't affected by it. The people who oppose the bill are affected by it. Perhaps that should be enough right there. The people who support LB574 say they want to protect other people's children and the people who oppose it want to protect their own children. What I want to know is why do any-- does any one of us in this room think we know better than the parents? People keep saying to me, the parents are biased. But aren't you? Who is in a better spot to make decisions about the kids, about whether their parents are making the right decision for their kids? Is it us or is it their parents? Who's in a better spot to determine that, the parent who knows the kid or us? If you support this bill, you don't trust the parents because the parents have to consent. So if you don't-- if you support this bill, you don't trust parents. And you can say that we trust parents in some situations. We trust parents, just not in this situation. Then you don't trust parents. If you get to pick the situations in which you trust parents, you don't trust parents. Then you trust yourself and you're letting parents have an illusion of trust in the situations which you want to give them an illusion of trust in. I just keep asking myself, why does LB574 mean so much to you? You want to protect children, you say, but why in this one, one perceived harm? Why not protect them from poverty? That's hard on a kid. Protect them from nitrates. We have one of the highest rates of pediatric cancer, cancer in the country, but I don't see folks lining up to try to prevent that. If you really want to protect kids, where's the support on that issue? You don't trust parents. You want to put your decision in front of theirs. And you want to pick this one area to protect kids in. And this amendment, this amendment that takes the decision out of our hands and puts it into one person's hands who is appointed. Do you know that my priority bill two years ago was filibustered on this principle that we cannot delegate our legislative authority to anyone outside of the body. In that case, I was creating--



**KELLY:** One minute.

**DeBOER:** --an advisory committee to advise us and it was filibustered because that was giving away too much of our own discretion. Here, we're going to put the ability to decide in one person's hands because some of you know this bill is wrong. You don't want to vote for it. It makes you feel guilty because you know it's wrong, and so you want to put it in someone else's hands. That reminds me of someone else who did that in history. His name was Pontius Pilate. Do not move this out of your hands to make yourself feel better. Thank you, Mr. President.

**KELLY:** Thank you, Senator DeBoer. Senator Armendariz, you're recognized to speak and waive. Senator Lowe, you're recognized to speak and waive. Senator Murman, you're recognized to speak and waive. Senator Dover, you're recognized and waive. Senator Raybould, you're recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I wanted to take some time in support of overruling the Chair and talking about the lack of germaneness of these two bills mashed together. You know, I look on this Chamber as a first-year senator and I know history will not judge this session well. Because it's, it's been a change the rules, let's change the processes, let's continue to do things that are against the institution and the traditions and precedents, all in the name of passing horrific, horrendous legislation. Bills that are not good for Nebraskans, bills that are not good for our families, bills that are not good for our state, but yet it seems like that's your game plan and you're going to fall through with no matter what. You know, in the-- in-- if it were a normal legislative session, gender-affirming care would have a scope of practice, a scope of practice that would bring in physicians that are familiar with gender-affirming care, that would bring in other physicians that have a better understanding, psychiatrists on how important this is. And then they would make a very important medical decision that hopefully we would listen to. But here we are. We're taking that component of the bill, leaving up-- it up to the Chief Medical Officer who was only too happy to provide a determination without consulting medical professionals. Now, that part is really, really scary and that should concern everyone here, that we don't follow processes and procedure that lead to good policies for all Nebraskans. When Senator Kauth also said that they had a compromise, a compromise? I don't know. I've been doing negotiations a good chunk of my life and compromise is not telling people this is what we're going to do and they have to take it. But not following procedures is what is leading us down this really sad rabbit hole. And for all those people, Nebraskans out there listening and people who

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have been emailing me and texting me, you know it's a sham. You know that this is not what it's supposed to be in our Nebraska Legislature. These are not how we get things done. And you're not fooling anybody and you're not going to fool history about how this goes down. And guess what? You are not going to fool the courts either, because they understand what germaneness means. I'm sorry my colleagues have chosen to ignore it in their efforts to pass bad legislation. But I think it's time we hear from some of the parents because I feel like we are forgetting them and what they're going through. I've talked about physicians, how concerned they are. This is one family that happens to be in Senator Dorn's district. He says-- they say we know that many minds are already made up on this issue, but we wanted to make a last-minute effort to try and appeal to those who are still open to listening and empathizing with us. Below is an email we sent to all the representatives yesterday to talk about their daughter. And then I'm going to skip, but I hope you spend the time to read it. But then they go on and talk about the agonizing decisions and thoughts that go through their head about their precious daughter living in our state of Nebraska. Here are some of the concerns that they articulate.

**KELLY:** One minute.

**RAYBOULD:** Thank you, Mr. President. They say, oh my, what, what are the right words to say and questions to ask her that will help us understand while also not diminishing her feelings? Oh, blank, can we stay living in our hometown of Nebraska anymore? Will there be any help, guidance, resources or options left for her at all if this goes the direction we think it could? What can we immediately do at, at this moment and this weekend to show her that we accept, love and support her regardless of gender titles? What do we do now? There's that bill we already opposed because we were an ally before, but now it actually might affect us personally. What do we do? What do we do? Stop thinking about this bill and focus on our child. We don't want her to think that she-- what she's feeling is wrong or that anyone else thinks that either. We don't want her to feel alone. While we aren't really as surprised by this as we could be, I mean, we always knew her interests were pretty gender fluid. And she asked about wearing a tutu for a recital last year.

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Clements, you're recognized to speak, waive. Senator Halloran, you're recognized to speak and waived. Senator Albrecht,

you're recognized to speak and waive. Senator Lippincott, you're recognized and waive. Senator Sanders, you're recognized to speak and waive. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I rise to support the motion to overrule the Chair. I am opposed to LB574 and AM1658. This day and this session is going to be remembered for years to come. And is going to be remembered because-- it's going to be remembered mainly because-- and I think I said this earlier in the session just as a coach, that although you can win or if, if-- and I won't even say win, I would say if you get your way or whatever, there's a way you do it. We preach to kids all the time throughout my lifetime that you win with class. You, you, you do things with dignity and respect and you do all those type of things. But honestly speaking, the process throughout this session and today is not the best look for us as a body. We're doing things just to get our way and not my way, but your way. And it's going to be reflected on this body for years to come. And obviously people are OK with that because technically you're in the majority control of the state and the body. And politically speaking, we don't know when that's going to change, but one day it probably will change. And then the same individuals who are procedurally and whatever else working to run over people, you're going to be on the other end of that stick and it's going to be karma. And that's what it's going to be. And maybe, just maybe, the minority now might give you mercy or might not, just because of how this has been going. Like, one week-- I said it last week, one week, the rules are different. The next week, they aren't. And it's true. And it's been that way this whole session. And we could say, no, it's not and we've been doing things right and respecting fair debates and all these type of things, but honestly speaking, let's be honest, we haven't. We have discussions about brain drain, losing talent, retaining talent, how are we going to grow our state, innovate our state and all these other things. I will tell you, and you probably don't care, but the passage of this bill is going to work against any type of talent retention, talent recruiting. Any of those things, this works against it and that's just being honest. So maybe you're right to be in the business of building prisons and everything else for economic development because the passage of this is not going to assist with that at all. And that doesn't matter if you're in Omaha or in western Nebraska. So maybe your votes to build a new prison are right in line with this policy because if this policy passes, I don't see how you actually retain talent or recruit talent to come to the state. I don't see how you get good football players to come play for the Huskers and just maybe one day we win a national championship.

That's probably definitely out the door this-- with the passage of this. And I'll be disappointed because I am a Husker fan, but I'll be mostly disappointed in the passage of this bill because--

**KELLY:** One minute.

**McKINNEY:** --I'm for humanity, and I'm for the rights of people and not infringing on their rights. And I'm for not making people feel less than, because as a black man, that's been my life. So I can't vote or support anything that makes somebody feel less than, somebody feel not accepted and appreciated and those type of things, and not feel welcome in a state that they were born in. That's my problem. This is a humanity issue. It's bigger than politics. It's bigger than your vote on this or that. It's about humanity and respecting humans to be themselves, however they decide to be. That's up to them. It shouldn't be on us to tell people what to do with their bodies and how to live their lives. And that is my fundamental problem with this whole thing. Thank you.

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

**FREDRICKSON:** Thank you, Mr. President. I rise in support of the overruling of the Chair and in the challenge to the germaneness of this. I remember when I first actually heard about AM1658, I was in a meeting and was told that this was going to be happening. And I don't remember if I was more shocked by that kind of the two sort of most controversial bills that were introduced this session being merged into one, or if it was more shocking that this was being framed as a compromise. You know, I spoke a little bit earlier about our state's history of moderate governance. And I think what's really allowed for that and enabled that in our state is that historically, in this Chamber, in this legislative body, we had been thoughtful about our policy. We haven't clung on to the sort of trend of the week or the day, that sort of fueling hyper-partisanship or the vitriol that's happening nationally. And I also spoke earlier about how the archetype-- architects of bills like LB574 have gone on the record saying these are essentially lab-created policies. They have poll tested to see what gets people worked up. And look no further than this entire year than to see that they're polling is actually pretty spot on. These groups did the same thing with the campaign against same-sex marriage. And when they lost that war, they started testing over and over again what policy was going to get them the same riled-up base. They started that in 2016 with the bathroom bills. Those quickly went away. Do people ever wonder where those went? It

was because they weren't popular and they didn't stick. So they poll tested more and more and they found that this is sticking. That is why we are seeing this as a plague nationwide out of nowhere. No one talked about any of this a year ago. I've been working in the field of mental health for 15 years or so. Queer people have always existed; trans people have always existed in that time period. None of this was ever a concern or an issue. Colleagues, when did we, as a legislative body, become so susceptible to this bait? I've said before that we can all agree we need to protect kids from receiving this care who are not appropriate for this care. That's true. I don't think anyone disagrees with that. But we also need to protect kids who are appropriate for this care. They, too, need to be protected, to receive this care. The only way to stop this nonsense--

**KELLY:** One minute.

**FREDRICKSON:** --is to stop this nonsense. It is naive to think that this stops here. We've seen this in other states and it is naive to think that this is a one-and-done thing. We can also say, no, this is one and done; not here. And I think Senator DeBoer, who-- by the way, I want to say happy birthday to her because it is her birthday-- the majority of supporters of this bill want to protect other people's children. The majority of opponents of this bill want to protect their own children. That says it all. Know what's best for your own family and if it doesn't have to deal with you, stay in your lane.

**KELLY:** That's your time, Senator Frederickson.

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

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise in favor of the motion to overrule the Chair. I absolutely disagree that these amendments are germane. I'm sure we'll continue to have more of a conversation about that as time proceeds. And the courts are, I'm sure, going to have a conversation about that. But I've said it before and I'll say it again, the only two things I think these bills have in common is the government getting between a doctor and a patient, which to me does not absolutely rise to the level of being germane in such a way that these bills should be attached. But I want to join in the, I think, chorus of people that have spoken here today about the frustration that we feel with regard to the moving goalposts. I mean, that's exactly what's been happening here and that's exactly what's been happening throughout this entire session. And I think some of the

other senators addressed it pretty well when they talked about things like when time is running versus when it's not. We know for a fact that back on General File of LB574, the time the clock, counting towards-- whether this was the eight hours, four hours or two hours, the clock was running during motions to overrule the Chair. And the fact that that happened then and did not happen now feels arbitrary and capricious in such a way that I can't even imagine why it would change. And it's incredibly problematic to have the rug pulled out from under you like that and it's incredibly problematic to have the goalposts moved when we're in the middle of a conversation, especially one of the most serious conversations that we've been having the entire time we've been in this body. You hear the people that are still chanting out in the Rotunda and they've been going for hours, hours, nonstop. That's not hyperbolic. They've literally been chanting nonstop for hours. And it's not because they're trying to annoy you. It's because this is important. It's because it matters. And the things they're saying are things we need to listen to. People's lives will be affected irreparably if LB574 passes. And the amendment is not a compromise. I wasn't a part of those conversations. I wasn't a part of these negotiations which later got deemed listening sessions. But I was on the outside looking in and I can tell you that when this moved from Select File to Final Reading, Senator Kauth said on the microphone that she would work in good faith to come up with a compromise amendment. And I have talked to multiple people in that room who do not believe that there was any negotiation in good faith. And I can tell you from looking at the amendment that is before us today, it is not a compromise. I agree with my colleagues who think that the amendment, AM1658, is actually worse in a number of ways. It's really, really disappointing that this is what we end up dealing with and it's really disappointing and I think disheartening that this is where we are, but I maintain hope. I think we have to have hope moving forward or else, what's the point, colleagues? I have a quote here on my desk that's taped to my lamp up here, and it says, Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future. That's what we're debating today, colleagues, is our responsibility to the future and our responsibility to the children of our state. I have an email here from somebody who talked to me. This is somebody I actually knew back in high school and they sent me this email, and they're talking about leaving Nebraska. And in part, it says, this is not a decision I come to lightly. I'm a fifth-generation descendant of Nebraska homesteaders. I live nearly a block south of the department that my

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grandfather founded on East Campus at the University. I served in the Air Force honorably across the country and chose to return to Lincoln.

**KELLY:** One minute.

**DUNGAN:** I have multiple advanced degrees and expertise as an educator and historian. My husband is a Ph.D. student at UNL and also has a long family history here. We do not want to take our talents elsewhere. We want to continue to build and serve Lincoln and Nebraska as a whole. But colleagues, this kind of legislation is making them leave. So don't get up here and talk about wanting to retain talent. Don't get up here and talk about wanting to attract talent and then pass legislation that we are being told drives people away. Think about the responsibility we have for the future. And I would encourage each and every one of you to think long and hard before your vote today on cloture about that responsibility. And I would encourage you to try to find courage. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. President. Never in my life have I been afraid of another Nebraskan. Never, never, never in my elected life have I been afraid of a constituent or anyone out in the Rotunda. So shame on those of you in this body who are devising escape routes from this Chamber through the back, through tunnels, through service elevators, having your staff pull your cars around. I've heard it from many, many sources. I've overheard you talking about it on the floor. If you can't go out there and face the people who you are hurting, harming today, then you are not worthy of this job. And don't clap or they'll empty the balcony. Don't get on that, please. Senator Kauth hasn't even spoken about this bill. We haven't even had a conversation about the merits of this bill, as we should be having on this round of debate. What we're doing is giving this amendment a day in the sun. The amendment is not germane and it's not a compromise. It's a capitulation. This amendment is a convoluted restructuring of a gender-affirming care ban combined with a ten-week do-over abortion ban that never had a hearing, that has no committee statement, that never went through the committee process. And this amendment makes a mockery of the recommendation suggested in the good-faith discussions arranged by the Speaker between members of this body and Senator Kauth, who never once in that process was actually negotiating in good faith. We know that because on Select File, we stopped the clock. We had a timeout to save the bill from being killed and then we killed the abortion ban and now we've gone-- done a timeout and we're doing a

do-over to save that, too. The legacy of this Legislature and this session will be of rule breaking, will be of disrespect to the institution and the process and that is the legacy that you are creating for yourselves. And I would be mortified personally if that was me. It could never be me. I would be so embarrassed. Given that we're not talking about the bill, some things need to be put on the record in terms of problems with this amendment. The language in AM1658 treats an embryo outside of the body as different from one inside of the body and attaches limitations to one inside the body of a woman but not one outside the body. So it's not conception to birth, but in the case of in vitro fertilization, it's insertion to birth, and there's no rational reasons to grant protections to an inserted fetus that are different from one yet to be inserted. Does the 12-week clock, according to this amendment, run from insertion of the fetus or from the date of the last missed menstrual cycle? Page 2, line 26 of this amendment prohibits any physician from performing an abortion outside of the 12 weeks. But this prohibition is not limited to within the state's borders. So what happens if we have a physician that performs abortion beyond 12 weeks in another state and is licensed in Nebraska, are they then subject to having their license in Nebraska revoked? Once again, colleagues, if I'm going to take your amendment seriously, it should not have these kinds of problems in it. And Senator Riepe, you should not trust these people to fix it next year. They're not going to fix it next year. They're going to say, good man, good man and pat you on the back. You're going to continue to get punished for your vote for the rest of your term. And you probably--

**KELLY:** One minute.

**HUNT:** --won't be reelected because of this unpopular vote that you helped to take. I have never been afraid of another Nebraskan, especially given all the work that you all have done to make sure that they're all armed all the time. There's people in the Rotunda with guns, folks. There's at least three that people have sent me pictures of, of people just carrying guns around thanks to you. Thank you. So safe. But you don't even feel safe. You don't feel safe enough to go out and face those good guys with the guns because you are too ashamed of what you are doing to the people of this state and to the integrity and dignity of this institution. Shame on you. Your legacy is filth. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. The other names in the queue have presently waived, down to Senator Machaela Cavanaugh. You are recognized to speak.



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**M. CAVANAUGH:** Thank you, Mr. President. I would ask if Senator Wayne would yield to a question.

**KELLY:** Senator Wayne, would you yield to a question?

**WAYNE:** Yes.

**M. CAVANAUGH:** Thank you, Senator Wayne. What typically constitutes germaneness?

**WAYNE:** Typically, it's the same subject matter or they open up similar-- or actually the same section of statute. So OPS was split on a learning community vote because it opened up the same section of statute.

**M. CAVANAUGH:** OK. Thank you. And would you say if it is substantively different, that it should have another hearing?

**WAYNE:** Substantively different is either a subject-- different subject matter or if you're opening up completely different statutes. It should have its own hearing. You'll recall we pulled back a couple of bills by Senator Hughes-- not this Senator Hughes, but the previous Senator Hughes-- to Natural Resources because it opened up a different subject and we had to have a special hearing on that because it was a different-- I mean, I sorry, a different place in statute.

**M. CAVANAUGH:** Thank you. Thank you, Senator Wayne. I've gone through LB574, LB626, and AM1658. And I was mistaken previously. I thought that it didn't open up any of the same statute. It does; one part. The only part of statute in all of this that it opens up is the reporting of rape. It references the same statute that LB626 references on reporting of rape. Otherwise, a 100 percent new matter, 100 percent. I know this doesn't matter. I know this doesn't change your minds. I know none of you care whatsoever. I'm just laying the groundwork. I'm just laying the groundwork. This is not germane. This is new subject matter. But you all do not care. You don't care about propriety. You don't care about process. You don't care about the institution. You don't care about the people of Nebraska. You don't care. All you care about is each other and the Governor. You don't care about Senator Hunt's parental rights. You don't care about the parental rights of the people out there. You don't care about the parental rights of the people up there. You don't care about medical professionals, business professionals. You are willing to drive the state into the ground, into the ground. And you look like fools. You look ridiculous. Senator Ben Hansen is the Chair of HHS and he should know better and he does

know better. And he looks ridiculous. The Lieutenant Governor knows better and he looks ridiculous. This is not germane. This is improper. This is ridiculous. This is a complete charade and it will not be looked favorably upon. History will not look fondly upon anyone who votes for this facade. And I will not look favorably upon you. What you are attempting to do today is the lowest of the absolute lows. You literally have to cheat at every moment of this debate. In every possible way, you are cheating. And it looks bad. It looks really, really bad. And Senator Riepe, Senator Hansen is not going to repeal the criminal penalties because if he were, he would have tried to get an amendment on here. He would have tried to supplement this amendment with what you were asking for between the time he filed it and today. He's lying to you and he's lying to us. And if you vote for it, you know that. You know he's lying to you. Don't assuage your guilt.

**KELLY:** One minute.

**M. CAVANAUGH:** Women will die. Children are dying. It is your faults. It is your faults. And you are allowing it to happen. You do literally have blood on your hands. And if you vote for this, you will have buckets and buckets of blood on your hands. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. All other senators in the queue have either spoken or waived. John Cavanaugh, Senator, you are recognized to close.

**J. CAVANAUGH:** Thank you, Mr. President. Always a tough act to follow, the other Senator Cavanaugh. So we're having a conversation about germaneness and you've all heard-- obviously, we're on hour five of a two-hour debate. So there's been a lot of procedural questions, moving of the goalposts. And I was, of course, thinking, you know, in here we're usually on the clock. It's like a football game. There are tactics and procedures, moves, but the clock continues to tick, right? We're not just changing the rules to the football game, we just literally changed the game itself. We're now playing baseball. There is no clock. There is no time limit. It's just about whatever moves you can make to get to the end. So I say that as an example of how dramatically we have pulled the rug out from under people in this debate. But again, you have the opportunity for a course correction on this vote; germaneness. So the test for germaneness is whether a, a amendment is in the natural and logical sequence to the subject matter of the original bill. So I printed out the amendment here and you can look at it yourself. Page 1, Section 1-- well, Section 1 through 6, this act shall be known as the-- and cited as the Preborn Child Protection Act. Page 11, Section 14 to 20 of this act shall be known

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and cited as the Let Them Grow Act. LB574 states that it shall be known as the Let Them Grow Act. So this amendment is shoving a whole other named act into a bill that already has that named act. There is no more obvious divergence from the single subject and the natural and logical consequence measure of the germaneness rule. It is not the natural and logical consequence of the Let them Grow Act that the-- what was it-- Preborn, Preborn Child Protection Act. And as Senator Hunt correctly pointed out, it's all about gestation and things like that. It's a 10-week abortion ban. That's what the Preborn Child Protection Act is; completely separate, stands on its own, has no nexus, no overlap with what is required of the so-called Let Them Grow Act. And we all may have our reasons for why we will vote for or against this bill or why you might want it. But there is a way to do things. And that is the problem here, is that we've so drastically diverged from a deliberative process, a substantive conversation about what the issue is. And there is no rational or logical argument to this amendment being germane to the underlying bill and I would point out none has been made. As the Chair pointed out, every person who was in the queue either spoke or waived. No one spoke in favor of the Chair's ruling. I mean, has anybody heard an argument in favor of the Chair's ruling?

**KELLY:** One minute.

**J. CAVANAUGH:** I'll take a show of hands. Right. No hands. For the record, Mr. President, no hands. And Senator Erdman, that's what the record is. I'm giving into the record what was not visible-- apparent from my speech. There has been no argument made to sustain the ruling of the Chair because there is no argument. This 10-week abortion ban is not logically consistent and naturally flow from this ban on care for transgender youth. So I would ask for your green vote on the motion to overrule the Chair and we can get back to having a conversation about what this bill is. And you can make your vote about whether you like this bill in its-- on its own and not because of the political motivations of a amendment that extends beyond the original subject of this bill. So I would-- I guess we're at a vote here. I would ask for a--

**KELLY:** That's your time.

**J. CAVANAUGH:** --roll call vote, Mr. President.

**KELLY:** Thank you. Senator John Cavanaugh. Senators, please return to your seats. The question before the house is the motion to overrule

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the Chair on the germaneness ruling. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no-- voting-- sorry, Senator-- voting yes. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart. Vote is 14 ayes, 34 nays on the motion to overrule the Chair.

**KELLY:** The motion fails. Senator Hansen, you're recognized to open on your amendment, AM6-- excuse me-- on the motion to return to Select File, excuse me.

**HANSEN:** Thank you, Mr. President. Well, I've already discussed about what the amendment entails, how it changes and makes it less restrictive on both aspects when it comes to abortion and when it comes to transgender rights for youth. I'm not going to fault one bit the people who are out there in the Rotunda cheering and fighting for what they believe in. I'd do the same thing if I was in their shoes and I believed in something just as passionately on the opposite side. And so there's not-- there's not much I can say about it except I appreciate being in the listening sessions with the people. Even though they might not view it as a compromise, we did our best to keep it within reason, where all of us could agree and move the bill forward. So there's not too much more I have to say when it comes to the amendment. So with that, I will yield the rest of my time back to the Chair. Thank you.

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

**CLEMENTS:** Thank you, Mr. President. Would Senator Slama yield to a question?

**KELLY:** Senator Slama, would you yield to a question?

**SLAMA:** Yes, I will.

**CLEMENTS:** Senator Slama, the single-subject issue has been brought up. Would you discuss why you think this amendment is appropriate?

**SLAMA:** Yes. And I, I appreciate you asking that question. I think we're good to go on two different fronts. First off, if you look at the title of the bill, which has been the turning point for a lot of the court rulings when it comes to legislation, not constitutional amendments, please keep in mind those are held to a different standard than just legislation coming out of our Legislature. The title of the bill is "Let Them Grow." If you look at the language of Senator Hansen's amendment and Senator Kauth's amendment, they both fall in line with the concept of letting them grow, whether they're children, born or preborn. Secondly, the courts in Nebraska have been very broad in their approach to the single-subject rule when it comes to legislation passed by the Legislature. We all know of recent court rulings that haven't upheld-- broad language means sought through a constitutional amendment or a petition drive. But when it comes to legislation, the courts take a very broad view of this. So there's not a ton of case law when it comes to legislation coming out of the Legislature being challenged on the subject-- on the single-subject rule. But *Martin v. Ryan* is one case that I've looked at from 1912. It's very old, I know. But we're, we're dealing with a very limited number of cases here-- that the Legislature has full control over the passage of bills and may amend the same-- and title to the same at any time permitted by its rules during their progress through the Legislature. In the second case that I think is really helpful here is *Anderson v. Tiemann*, which is a 1967 case, which says if an act has but one general object, which here we've already talked about that title, no matter how broad that object may be and contains no matter not germane thereto and the title fairly expresses the subject of the bill, it does not violate Article III, Section 14, of the constitution.

**CLEMENTS:** Thank you, Senator Slama. I yield the rest of my time to Senator Kauth.

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**KELLY:** Senator Kauth, you have 2:37.

**KAUTH:** Thank you, Mr. President. We're obviously all very passionate about this topic. Most of us are on one side or the other. Everyone's perspective is a little bit different. As we hear the people outside shout-- chanting, "one vote to save our lives," I would agree with that statement. We have one vote to save the lives of children from a lifetime of pain and regret. These are surgeries and medications that are experimental. They're irreversible. We owe it to kids to let them grow up so they can make these decisions as adults. And when I hear people talking about how we haven't taken into consideration doctors or medical professionals, psychiatrists, the number of doctors and psychiatrists and counselors and teachers and parents who are dealing with this issue who have reached out to me over the past few months is really surprising. Every week, I get two or three more saying, hey, keep at it and telling me their perspective about it. Just because the medical experts that I've spoken with and that other people have spoken with don't agree, doesn't mean that they are also wrong. There is very little consensus about this issue. As you look around the world, we are holding on to an ideal that the rest of the world has kind of given up on. And they said these are not things that you should be doing to children. They are not ready to make these decisions. They are most likely to change their minds about their gender identity multiple times because they're kids. We know that the brains do not fully develop.

**KELLY:** One minute.

**KAUTH:** Thank you, Mr. President. We know that decisions that they might make today, they might regret tomorrow. And we also know that we put in restrictions to protect kids from themselves, restrictions that even parents can't override. We've talked about that a little bit earlier today. We've talked about tattoos. Did you know that even if your parent says you can get a tattoo on your face, the state has said you can't? We've talked about things like car seats. We've talked about voting. We've talked about enlisting in the military. There's a lot that we say, you know what, kids should not do this. It is the role of the state to step in and put guidelines in place. This is one of those issues that is an incredibly-- it's a social contagion that is going around that we need to protect our kids from until they are able to fully assess what it is they are doing. Thank you.

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

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**AGUILAR:** Thank you, Mr. President. I rise in support of LB574 and I yield the balance of my time to Senator Kauth if she chooses.

**KELLY:** Senator Kauth, that's 4:50.

**KAUTH:** Thank you, Senator Aguilar, and I'm so glad that your knee is doing better. So Senator Hansen talked about the amendment that we put together. That was a listening exercise. We sat down with people who we disagreed with very much about this issue, listened to what they had to say. And I think coming up with the rules and regulations for DHHS to put together is a great example of that compromise because what we heard from Senator Fredrickson was we don't want to have people who shouldn't have this get these treatments. So how do we make sure that we stretch it out to put roadblocks in their place so that only those who truly, truly need this are the ones getting it? And that's what we are attempting to do. That's why we've asked DHHS to put together those rules and regulations so that they have medical professionals that they're using that can help organize it and strategize how that is going to work best. We have a grandfather clause that we put in and that's for people who have already started on these medications. That was a big concern. In the state of Iowa, they were given six months to, to back off and wean themselves from the medications. And Iowa passed both of their bills. So rather than having our wean-off date still in the bill, we put a grandfather clause in so that if someone had already started, they were grandfathered in. Those are all things that are illustrative of the compromises that we made with this bill because we want to make this as good as possible for as many people as possible. And I think we worked very well together talking and listening through those conversations. Let's see, the American Journal of Psychiatry has issued a major correction to a recent study. And this goes along with what I've been saying about this science is not settled. Here in the U.S., we are doing things that they were doing 20 years ago in other countries and they've stopped doing. There's been a major correction to this study. They retracted their primary conclusion and they now state neither gender-affirming hormone treatments nor gender-affirming surgery reduced the need for mental health services. So if you're getting treated for a mental health issue by having surgeries or having the gender-affirming hormones, that's not necessarily going to take care of the mental health issue. And kids are still needing to get treatment. So when you have something that has this high of a risk and very, very little reward, we have to step in and say that is not something that we should allow children to be doing in this state. Again, let them grow. Let them get to the stage of being an adult

where they can evaluate things with a little bit better mindset. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I guess I wasn't very persuasive on the argument. I did give people the opportunity to make the right decision there. So we haven't had too much time to talk about this amendment. And I appreciate Senator Hansen's introduction that I would describe as maybe not a real specific introduction as to the arguments for the specifics of the amendment, the reasoning for changing the abortion language from LB626 to one that was a, a fertilization rather than-- or gestation rather than fertilization, which makes it a 10-week ban instead of a 12-week ban. And it is-- that I think is a crystallization of the specific problem with the characterization of compromise and the listening/amendment sessions. There's been a lot of, I guess, bait and switch on this bill. And, Senator Riepe, I'm not going to pile on you, but you're not going to get your concessions next year. But what happened is we had a real cluster on Select and I, among others, was asked to participate in a negotiation for an amendment. And then later in the press, I found out it was a listening session. And then what we were given, after we had a back and forth, was an amendment that said grandfather clause and basically everything else was the same. And it needed to be that way because that's where the 33 votes were. And we, of course, said, well, we listened to you, we addressed your concerns. We brought this amendment, which is my amendment that is up after this, and it specifically addressed the issues that were brought up in those conversations. So we took it to heart and actually made a proposal with specificity about how this would work and to address those concerns about individuals who don't indicate for this care getting care. But what we saw-- and what this amendment is, is not anything that was ever presented in those conversations. There was never an abortion ban discussed there. It was added because it was needed to get 33 votes. There was no discussion about going to, you know, the DHHS or anybody like that to set these standards. What you see here is they changed the definition so they could call it a 12-week ban, but actually get a 10-week ban so they can get people on board who are further to the right on that issue. So it's a hoodwink, right? That's a shift. That's a bait and switch. The same can be said of the concessions on the Let Them Grow section. The decision, rather than-- as we suggested, a true amend-- compromise would be to integrate our suggestions, which were thought out, responsive to their concerns, and replacing them with a person who we all know how they're going to



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decide. The Chief Medical Officer is on the record saying he favors a total ban. We have the emails. We have the texts. There was a Freedom of Information Act request that got the emails and the texts of the Board of Health as they had an emergency meeting to consider this-- that-- their resolution so that it could be brought up before the first round of this debate. Another hoodwink, another attempt to convince us that this is legitimate, that this pseudoscience--

**KELLY:** One minute.

**J. CAVANAUGH:** One minute? Thank you, Mr. President-- that this misunderstanding, misrepresentation of science, obfuscation is the name of this game here. And that's what this amendment is. That's what's been happening all the way along on this bill. So if you didn't like the original bill, don't vote for this amendment because it is no better than the original bill. If you want a 12-week abortion ban, don't vote for this. That's not what this is. This is a 10-week abortion ban. If you think that we should have exceptions for fetal anomaly, don't vote for this. It's not in there. You're not going to get it. If you think we shouldn't have criminal penalties, don't vote for this. It's not in there. You're not going to get it. This bill is what it is, and it's going to be what it's going to be going forward. There's not going to be any more compromises. There's not going to be any more changes. We were told they needed 33 votes. This is how they get 33 votes and that's the end of the story. So if you want something different, don't vote for this. You need to be a no.

**KELLY:** That's your time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Thank you, Senator John Cavanaugh. Mr. Clerk, you have a motion on your desk.

**CLERK:** I do, Mr. President. Senator Kauth would move to invoke cloture on LB574 pursuant to Rule 7, Section 10.

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

**KAUTH:** To invoke cloture motion. Check in. Roll call vote. Regular order.

**KELLY:** Thank you. Members, the first vote is on the motion to invoke cloture-- right-- for the vote for cloture. Mr. Clerk.

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**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart. Vote is 33 ayes, 14 nays to invoke cloture, Mr. President.

**KELLY:** Cloture is invoked. Members, the next vote is on the motion to return AM1658 to Select File. I'll ask security to clear the balcony, please. Mr. Speaker, for an announcement.

**ARCH:** We're going to stand at ease for a few minutes for the time being. Thank you.

**KELLY:** We will stand at ease for a few minutes.

[EASE]

**KELLY:** Senators, please find your seat. We'll continue. Senators, the next vote is on the motion to return LB574 to Select for an amendment, specifically AM1658. All those in favor vote aye; all those-- there's a request for a roll call vote. Mr. Clerk. Senator Conrad, that's out of order. We're going to proceed to the vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting

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no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Frederickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Vote is-- Senator Wishart. Vote is 33 ayes, 15 nays to return to Select File.

**KELLY:** The motion is returned as adopted. The next vote is on the adoption of AM1658. Senator Conrad. Senator Conrad, we're under cloture. It's my understanding that points of order have never been recognized during cloture. So I will-- to that end, I will rule your point of order out of order. I-- again, Senator Conrad, would say that's out of order. Senators, the question is the adoption of AM1658. All those in favor-- there was no ruling by the Chair. The motion was not overruled. The point of order was not overruled. It was not recognized. I don't believe I have to recognize a point of order that is out of order. Senators, Senators, the question is the adoption of AM1658. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Wishart. Senator Wayne voting, voting no. Senator Walz voting no. Senator von Gillern voting yes. Senator Vargas voting no. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould voting no. Senator Murman voting yes. Senator Moser voting yes. Senator McKinney voting no. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting, voting no. Senator Day voting no. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting

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yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. Vote is 33 ayes, 15 nays. Mr. President, on adoption of the amendment.

**KELLY:** The amendment is adopted. Senator Ballard, you have a motion. Senators, I previously stated that in the past, points of order have not been recognized on Final. Isn't a ruling. Senator Ballard for a motion.

**BALLARD:** Mr. President, I move that LB574 be advanced to E&R for re-engrossing.

**M. CAVANAUGH:** Point of order.

**KELLY:** Senators, you have heard-- Senator Machaela Cavanaugh, what is your point of order?

**M. CAVANAUGH:** Thank you, Mr. President. Advance--

**KELLY:** Senator, there shouldn't have been a recognition of your point of order on cloture. We'll now proceed to the-- you've heard the motion to advance LB574 to-- Senators, you've heard the motion. All those in favor say aye. All those opposed, nay. There's a request for a record vote. Mr. Clerk. All those in favor say aye. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Bosn, Bostelman, Brandt, Brewer, Briese, Clements, DeKay, Dorn, Dover, Erdman, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, Moser, Murman, Riepe, Sanders, Slama, von Gillern. Voting no: Senators Blood, Bostar, John Cavanaugh, Machaela Cavanaugh, Conrad, Day, DeBoer, Dungan, Fredrickson, Hunt, McKinney, Raybould, Vargas, Wayne. Not voting: Senators Walz and Wishart. Vote is 33 ayes, 14 nays, 1 present, not voting, 1 excused, not voting, Mr. President.

**KELLY:** LB574 advances for E&R re-engrossing. Mr. Clerk for items.

**CLERK:** Mr. President, bills to Final Reading: LB562, LB583, LB705 and LB754 reported to Final Reading and correctly engrossed. Motions and amendments to be printed to LB754 [SIC, LB574] from Senator Fredrickson, Machaela Cavanaugh, Hansen, Hunt, Dungan, Wayne, Day,

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Conrad. Mr. President, a priority motion. Senator Briese would move to adjourn the body until Wednesday, May 17, at 9 a.m.

**KELLY:** Senators, you've heard the motion to adjourn. All those in favor say aye. Those opposed, nay. We are adjourned.