

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 21, 2023

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

**LOWE:** Will you please attain an attitude of prayer. Prince of peace. Lord, today we ask you for your oversight on each one of us in the Nebraska Legislature as we make laws that govern our people, our land, and delegate our state's resources. We ask you to look after the Clerk's Office, the security, the pages, and the press. That we may make their lives a little better today. Look over the three branches of Nebraska government. Let each one of us come to you, O Lord, in times of need. Grant us wisdom to allocate our taxpayers' resources wisely. Allow us today and every day to make choices that will not harm the people of Nebraska, but will put them in a better place in the future. Please rise up your people who will make laws to protect our freedoms so that we can live peacefully quiet lives in godliness and dignity. In your holy name. Amen.

**KELLY:** The Pledge of Allegiance will be led by Petty Officer R G Smith from the Navy, Bellevue, Nebraska, Senator Holdcroft's district.

**R G SMITH:** I would like to thank Senator Holdcroft for this honor. And if you will please join me in the pledge, I'd appreciate it. 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 forty-seventh 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:** Are there any corrections for the Journal?

**CLERK:** I have no corrections this morning.

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

**CLERK:** There are, Mr. President. Your Committee on the Executive Board, chaired by Senator Briese, for-- would report LB566 to General File. Additionally, your Committee on Revenue, chaired by Senator Linehan, would report LB235, LB370, and LB574 to General File; LB370, excuse me, LB754, LB370 and LB754 having committee amendments.

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Additionally, your Committee on Enrollment and Review reports LB775 and LB552 and LB103 to Select File, all having E&R amendments. Additionally, Minority Report to LB574, filed by Senators Day and Cavanaugh. New A bill, LB328A, introduced by Senator Raybould. It's a bill for an act relating to appropriations; appropriates funds to the aid in the carrying out of provision of LB328. That's all I have at this time, Mr. President.

**KELLY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR59. Mr. Clerk, for items.

**CLERK:** Mr. President, LB574, pursuant to Rule 6, Section 3(f), Senator Hunt would move to indefinitely postpone the bill prior to the title being read.

**KELLY:** Senator Kauth, you're recognized, pursuant to the new rule, to open.

**KAUTH:** Thank you, Mr. President. And thank you everyone for taking the time to sit and listen to all that we are going to discuss over the next few days. LB574, the Let Them Grow bill, protects children from the experimental use of puberty blockers, cross-sex hormones, and gender-altering surgeries in children under the age of majority in Nebraska, which is 19. This bill has caused a lot of conversation, some tension on both sides, and I would like that everybody remember that we're talking about protecting kids. And both sides feel that they're doing that, so please keep in mind that children are at the forefront of all of these discussions. This bill prohibits doctors from providing referrals for those specific chemicals and surgeries, but it does not prohibit receiving therapeutic treatments. We want to make sure that kids are getting the psychotherapy and the help that they need to deal with gender dysphoria. It is a terrible, terrible disorder. Kids are in distress and we need to make sure that they are getting the help that they need. And finally, the bill would prohibit fund-- public funding of any institution that does provide these chemicals and surgeries to minors. So what are we going to hear about today? The next few days, we'll be going over a lot of information. For the better part of the last year, I have been reading, researching, and collecting information about gender dysphoria treatment. I've talked with experts all around the country and worked with some incredible people. One of the most interesting parts of this research has been the divergence of opinions from sources. There appears to be a great deal of politicization regarding this issue here in the U.S. This is why it leans so heavily on European countries who

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have been doing these transitions for decades. They are sounding the alarm that these procedures and prescriptions are not appropriate in children and have devastating, unforeseen side effects. I have talked with families dealing with gender dysphoric youth, adults who have transitioned, adults who have detransitioned, therapists and doctors. I've talked with teachers in schools who are very concerned about what they are seeing happening, specifically with young girls. My amazing staff has spent hours upon hours collecting and organizing the data. I have binders worth of information. By the hundreds and thousands of people that have emailed, called, spoken up, prayed and sometimes reluctantly reached out to share their very personal experiences, there's been a common theme: to protect those that aren't mature enough to make life-altering decisions when they are so young and so impressionable and in so much pain. Please take the time to listen to the information. LB574 is designed to protect children who cannot make informed decisions from experimental, irreversible, and often dangerous treatments. So this debate has been a very long time coming. The attempts to silence discussion on how to deal with gender dysphoria in youth started on Day 9 with a sine die motion. The attempt to silence the discussion led to a self-serving and childish filibuster that wound up wasting 30 days of debate. There are so many great bills that we really need to hear and get done for Nebraskans. Abusing the filibuster process to try to not discuss a bill did great damage to our citizens. We are going to hear all of the information this week from both sides and then we're going to come to a vote and we're going to move to cloture. Our opposition this week is going to probably continue to smear and call names. They're going to criticize the information that we have based on where it comes from, not what the information is. There's a term that I use in mediation called "weaponized compassion." Weaponized compassion occurs when someone, by their tone, their words, their expression, accuses you of being a horrible person. It is an attempt to make you go against your own good judgment and common sense by making you feel bad. This is a common tactic of people who are trying to make you feel so guilty that you adopt their way of thinking or at least stop pushing back. Please pay attention to common sense and use logic. So the impetus for this bill, I've gotten this question a lot, mostly along the lines of who brought this to you? I did. This is a need that I saw and after talks with my constituents, I pursued. I was fortunate enough to be able to connect with groups and other state legislators who are already working on this issue. It started in May of 2022. The Biden-Harris administration issued an order for the USDA to restrict free and reduced lunch funds from those schools that did not have a statement of gender inclusivity. The statement basically said that boys can play on girls

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teams and boys and girls can share each other's locker rooms and bathrooms. Our Attorney General, Doug Peterson, joined in a lawsuit against the administration to push back against it, but this led to a lot of discussions at the door. People were shocked that this was something that could be pushed by the federal government. These decisions need to be made by Nebraskans. As I continued the research, the use of puberty blockers, cross-sex hormones, and surgeries to look like the opposite gender seemed tied to this issue of protecting women's sports. Even further research showed how prevalent these medical procedures and prescriptions have become. The numbers of gender clinics have grown astronomically since 2017, from less than 20 to close to 100. Historically, the rates of gender dysphoria were about 0.003 to 0.005 percent, which is about 1 in 10,000 for men and even less for women. Currently in the United States, we are seeing well over 2 percent of the youth population reporting gender dysphoria. This is a substantial increase. This sudden increase has been described as rabid onset gender dysphoria by Dr. Lisa Littman, a physician and scientist. Abigail Shrier did research into this as well. She describes this sudden increase in her book, *Irreversible Damage: The Transgender Craze Seducing Our Daughters*. There was a significant uptick in 2020, right when lockdowns happened. Kids were isolated at home with their screens and a great deal of fear and uncertainty in the world. The mention of the phrase "social contagion" is very upsetting for some. However, when dealing with adolescents, especially girls, social contagion has always been a concern. Look at suicides, eating disorders, cutting. There's simply not enough data to prove that puberty blockers, cross-sex hormones, and gender-altering surgeries are safe and that they actually treat the gender dysphoria. Our children deserve to be protected from experimental treatments that have irreversible side effects. So let's talk about kids. When we talk about children, we're talking about brain development. What did you want to be at a young age? How often did you change your mind? I have three boys and everyone was either a superhero or a cowboy or something on any given day. Think back to your teen years. Puberty is extraordinarily rough. In all of these conversations, not one adult I have spoken to has said that they would willingly go back through puberty. It is very, very difficult. The physical and mental changes in our bodies and minds are unnerving and upsetting, but that is part of growing into an adult. Children with gender dysphoria have an incredibly difficult time with this. But we know from decades of research that children's brains take time to fully develop. The prefrontal cortex that controls the decision-making ability develops into the mid-twenties. The thought that a child would be experiencing distress and be able to identify that distress as being transgender is

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logically inconsistent with what we know about children's decision-making abilities. This is the only psychological condition where the patient directs the doctor and parents in the treatment. The affirmative model demands that whatever is felt by the child is affirmed. The criminal justice system demands that we understand a child's prefrontal cortex is not developed, so they should have different standards for criminal justice consequences. In LB127, which was brought to the committee-- Judiciary Committee last week, the statement was made: our understanding of brain science and technology has improved our appreciation of how the adolescent brain functions. Young people's decision-making ability continues to mature into their early to mid-twenties.

**KELLY:** One minute.

**KAUTH:** Adolescents' brains are different from adults, both structurally and how they are influenced by chemicals produced by the body. Additionally, adolescents are more likely to be influenced by peers, engage in risky and impulsive behaviors, experience mood swings or have reactions that are stronger or weaker than situations warrant. It cannot be that a child's brain is capable of making irreversible lifelong medical decisions and that they should be treated differently in the criminal justice system because their brain is not yet developed. If children can direct their medical decisions, then they can be held to adult standards in the criminal justice system. What is my time?

**KELLY:** Twenty seconds.

**KAUTH:** OK. As we go forward, I will be talking about parental rights. I'll be talking about some of the studies and I'll be talking about the protocols that the European nations use as well, so thank you.

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

**HUNT:** Thank you, Mr. President. Good morning, Nebraskans, and good morning, colleagues. I don't know why I was surprised to hear Senator Kathleen Kauth open by talking about how we have to save these children from the pain that they're in because they aren't mature or developed enough to make their own decisions. But then in a couple of weeks, she's going to turn around and vote for a bill that would force 12-year-olds to have a baby, to have a whole entire human child. She thinks they're mature enough for that. Trans people are not all in pain. Trans youth are not all in pain. The ones in pain are because of

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the actions and rhetoric of people like Senator Kathleen Kauth. Kids know who they are and when they get affirmation from their communities and their family members and their schools and their loved ones, as many, many trans and gender expansive kids do today, they're not in pain. You know what? They're normal. They do activities with their friends, they go to dances, they date, they start clubs and join clubs and hang out after school and have the same problems as everybody else. And that's the kind of future that I'm working toward to live in, not a future that codifies the bigotry and discrimination and hate that people like me grew up with, perpetuated by people like Senator Kathleen Kauth. She said that she hasn't talked to anybody who would want to go back to middle school, to being an adolescent, to junior high. A big reason I wouldn't want to go back to junior high and middle school is because of bullies like Kathleen Kauth, because of people like her who made me feel ashamed of my identity, who would say things like, you must be sad. I've seen the pain this causes you. I want to speak to the young trans and gender expansive people of Nebraska, as a loving mother, as family, as kin, don't listen to anything Kathleen Kauth is saying. She doesn't know what she's talking about. What she's saying and doing today literally has nothing to do with you and what you know about yourself. She's on her own journey. She's still evolving. She has nothing to do with us. No matter what your circumstances are in life, if you're affirmed, if you're not, if you're out, if you're not, you have the power to use your life to choose what you surround yourself with. You have the power to choose the conversations you have, the music you listen to, the affirmations and love that you give to yourself. You are love and you are loved. And trans people in Nebraska have always been around. Don't ever let someone with opinions like Senator Kathleen Kauth prevent you from being around. Don't ever let someone like her with opinions like hers and a small world view like hers prevent you from being around. We don't have to know or understand why she's doing this. She has her own purpose, but you have yours. And what she's doing has nothing to do with you or your future. You are put on earth just as you are to learn and laugh and love and be loved and play and live life, just like everybody else. Your world is bigger than hers. You're using all the colors in the box, which she's afraid to do. You're experiencing life in a bigger way and you already understand the real freedom and power that comes when you don't have the need to control everybody else, to control anybody. You know what I did last weekend? I spent a lot of time looking at Airbnbs in other countries and other places and other parts of the United States. I was thinking after we're-- after we adjourn here, I could sublet my apartment in Omaha. I could maybe take my kid and, and some of my friends and go have a little holiday and

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try to stay away a little bit. I was thinking about getting one with a couple of bedrooms so that friends could visit. I was fantasizing about what it would be like to not live in a state that has people like Kathleen Kauth who are trying to control people's bodies and futures and that's all I could think about. Isn't that sad? That's sad to me. I was trying to embroil myself in real life that has nothing to do with the work that we do in this fishbowl of this room. This body is so much more radical right than the average Nebraskan. Nebraskans aren't asking us to do stuff like this, but there's 49 folks in here who were the lesser of two evils and got elected and think they know best what to do for everybody. But last night I went to an event at Luli Creative House in Omaha. It was hosted by Mary Lawson and Andrea Joy Pearson, and they performed original music and they did what's called a sound bath. And it was my first time ever doing something like that. A sound bath is when they use instruments and resonance and sound to create, to, to just fill the room with like bright, intense tones and you lay down and you relax and it's meant to be meditative and relaxing. And I was-- I went because I wanted to have a relaxation exercise before this week, but it did not relax me. As I was laying there, hearing the tones in the sound bath with all of these people in the room, this extremely diverse group of people, I felt like I had licked a nine-volt battery. I was not relaxed. I was amped. I was jacked. I was charged for this week. I left feeling like I had a bolt of lightning run through me. That experience made me love Omaha so much more than I did. I love my community as it is. I loved all those people in that room. I love all the people in this room, but I recognize that you're on a journey and where you are on that journey means that we cannot pass this bill. Nebraskans, you are free to be who you are, exactly as you are, not how Kathleen Kauth wants you to be. Eventually, she's going to be, she's going to be out of here, she's going to be term-limited or she won't be reelected and you're never going to think about her again. So don't fixate on what's happening in this body and think that it has anything to do with the reality of your identity or your existence. You're bigger than that. You're bigger than we 49 people and you're bigger than the state of Nebraska and you're bigger than any laws men can pass to put rules on your own body. You have the power over your body, not us. Trans people will always exist. There's nothing we can do here in the Nebraska Legislature to prevent or change that. Today, nearly 8 in 10 Americans back nondiscrimination protections for LGBT people, according to a poll from the Nonpartisan Public Religion Research Institute. That includes 65 percent of Republicans. In a 2021 poll by PBS NewsHour, Marist found that two-thirds of Americans oppose bills limiting the rights of transgender people. Many people across the political

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spectrum accept the premise that defending a marginalized group's civil rights is identity politics. I've heard so many of you in this body say I've had enough of identity politics. This is, this is feelings and emotions, enough identity politics. But how come what you're doing isn't also identity politics? How come wanting to stand up for trans youth and gender expansive LGBTQ people in our state--

**KELLY:** One minute.

**HUNT:** --is gender-- is identity politics, but when you try to strip away those rights, it's not. You're the ones who brought this fight to the Legislature. Colleagues, I want you to know that if this bill advances, the filibuster will, will resume. I will join it with my whole heart, with my whole chest, and every bill will be going to cloture. You're going to need 33 votes on every bill after this if LB574 doesn't fail cloture. That's the deal. In Nebraska, we give subsidies and incentives to ag producers, we lower taxes, we support our university insofar as it might make our football team better. We don't attract-- attack trans people.

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

**HUNT:** We don't attack LGBTQ people. Thank you, Mr. President.

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

**BOSTELMAN:** Thank you, Mr. President. Good morning, Nebraska. I oppose the IPP motion and support LB574. The Nebraska State Board of Health affirms the following: mental health of children is of critical importance to their long-term health and well-being, with a focus of social and emotional development. Evidence-based clinical management should take priority in any clinical interventions with minors. Children experiencing gender question-- gender questioning and gender dysphoria are particularly vulnerable in exploitation by social media and influences outside of medical practices. The medical community has significant gaps in our knowledge, at present, as to which behavioral, medical and surgical interventions are the most effective in both the short and long term to address minors with gender questioning dysphoria. The long-term outcomes of many interventions, especially irreversible endocrine axes and surgical alterations, are, at present, unknown. At this time, there is no standard approach to treatment of children experiencing gender dysphor-- dysphoria in the United States and formed by long-term, well-designed studies. The preponderance of the evidence is anecdotal, short term, and uncontrolled. Patients, families, and clinicians cannot, underscore cannot make informed



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healthcare decisions without knowing the likely benefits and harms of the proposed interventions. The irreversibility of surgical-- surgery and the long-term impacts of future endocrine health and fertility are particularly problematic for children and minors. The Board recognizes the importance of mental health assessment and supports evidence-based care of children's mental health, prior to any pharmaceutical or surgical interventions. The risk for suicide among children questioning their gender is of utmost importance. It is for that reason alone that caution, particularly regarding permanent psychologic and physical alterations, be taken with minors unable to consent to these irreversible interventions. The Board supports, encourages continued research and study into clinical, verifiable strategies to improve mental health and reduce the risk of suicide. Current data does not support the claim that suicide rates diminish among young following surgical intervention. Therefore, the Nebraska Board of Health does not support irreversible surgical and hormonal manipulation of minors for the purposes of gender reassignment. The clinic-- the clinical focus for children and minors should be the social and emotional development of youth and their mental health. Further study on the long-term effects of medical and surgical interventions in consenting adults should form the basis of a robust body of medical knowledge in regarding gender reassignment. This was approved by the Nebraska State Board of Health on March 20, 2023. And Mr. President, I yield the rest of my time to Senator Kauth.

**KELLY:** Senator Kauth, you have 1:57.

**KAUTH:** Thank you, Mr. President. I would like to address one comment by Senator Hunt about forcing 12-year-olds to have babies. Twelve-year-olds cannot consent to sex. That would be a rape, which is covered under LB626. Please don't try to conflate the issues. Back to parental rights: parental rights is a very, very difficult part of this discussion. I had difficulty justifying involvement with parental medical decisions. This is something I really struggled with. But then I started looking at all of what we do interfere with parental rights on. Parents who are in a no-win situation. They're called bigots or homophobes for not immediately affirming a biological impossibility for their child. Parents are told they have to deal with a dead son or a live daughter. That's emotional extortion and that has been said. That was said to one of our testifier's parents. Parents do know their kids best--

**KELLY:** One minute.

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**KAUTH:** --but they also desperately want to fix their child's pain. The emotional extortion works too well. I evaluated many other areas we override parental decision-making: certain tattoos and piercings-- even with a parent coming in, they are not allowed to give permission for a child to get a tattoo on certain parts of their body or certain types of piercings under the age of 18; car seats, eight years or 80 pounds; alcohol-- they have to be 21, no matter what a parent says; tobacco, 21; the helmet law, 21. We are even overcharging parents with neglect for what in the past would have been called childhood-- playing outside, walking home from school, sitting in a car while mom or dad goes into the store. We have Child Protective Services Division that removes kids when they're in danger. The law has never recognized parental rights as a justification for actions that endanger a child's physical health and safety. LB574 would only limit--

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

**KAUTH:** --the physical interventions that disrupt or interfere with normal physical development. Thank you.

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

**HUNT:** Thank you, Mr. President. No one ever got a rape conviction in six weeks and I'd like to yield my time to Senator Fredrickson.

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

**FREDRICKSON:** Thank you, Senator Hunt. Thank you, Mr. President. Good morning, Nebraskans. Good morning, colleagues. This is going to be a tough few days. I'm going to be honest, I've been dreading this since I first heard the rumor a bill like this was going to be introduced in here. I've been having conversations with many of you and we all acknowledge that this is a difficult bill because it's so divisive. And the, the dirty little secret is that the majority of folks in this body hate this bill. Yes, there are a handful of people in here who support this and like this and think it's a good idea, but the majority of us don't. It's bad for Nebraska, it's bad for Nebraskans, and it's also bad for us in this body. It's bad for our collegiality and that's the whole point of bills like this: to further divide us. There's going to be a lot of conversation over the next few days and there's going to be plenty of time to discuss the bill at hand. But before we get into that, I have a humble request of my colleagues. I don't, I don't care where you stand on this issue. You can support it or you can oppose it. But I ask that if you are going to speak on the mike, which I hope many of you do, it's important for that. I ask that

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you remember the humanity of who we're talking about. These are people and families who are scared. They're people who bring value to our state, they're people who feel, who have dreams, and they're people who deserve to be here just as much of any-- as any of us. I also want to speak directly to the trans community and their families. This is going to be hard. One thing that I've learned in my life is that there will always be people out there who believe they have the power to negotiate your value or your worth. They do not. I need each of you to dig deep and I need you to remember who you are. Remember your joy, remember your value, and remember that you belong. And in a few days' time when we come to a vote, we're going to do everything we can to send this bill back to the flames from where it came. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, so I rise in support of the motion to indefinitely postpone and as opposed to the bill-- and I appreciate what everybody has had to say so far, but I thought it might be important to just, sort of, take a step back and have at least part of the conversation be about the broader legal implications of passing laws like this. And so, the state of Arkansas passed a bill that they was-- that was LB626 in Arkansas about two years ago. That bill is the model for this bill. The testifiers at the hearing, many of them referenced the similarities and, and the motivations for this. I believe Senator Kauth also referenced LB626 in reference to this bill. The similarities are clear. The language, some of it mirrors exactly the language in LB626 from Arkansas in LB574 here. And the reason that I'm bringing up the similarities to this, in, in the actual language being mirrored and the intent of this bill, is because that bill, LB626 from Arkansas, has never gone into effect because the families and doctors in the state of Arkansas filed suit in the federal district court in the state of Arkansas and they were granted what's called a temporary restraining order by the federal court. And so I thought it would be important to read the legal standard for a temporary restraining order or preliminary injunction. We consider the threat of irreparable, irreparable harm to the movement-- movant and the likelihood that the movant will succeed on the merits. The balance between the harm to the movant and the injury to the injuncted would inflict on other parties and to the public interest. So this is *Brandt v. Rutledge* in the federal district court in the state of Arkansas. They granted that temporary restraining order, in part because of the likelihood of irreparable harm that that bill would cause to those families and those doctors. They granted that temporary restraining

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order because of the likelihood that they would succeed on the merits because of the, the nature of that bill. One section of that opinion cites and says, that-- on the likelihood of success. It says, because the minor's sex at birth determines whether or not a minor can receive certain types of medical care, under the law, LB626 discriminates on the basis of sex. The court found, this is the district court in the state of Arkansas, found that the bill discriminates. The bill that is the same in substance and in essence of LB574. And so because that law was found to be discriminatory, that district court issued that temporary injunction. And so, of course, the state of Arkansas then appealed, or at least members of the state of Arkansas appealed to the Eighth Circuit Court of Appeals. And the Eighth Circuit reviewed that case in the, in the fall of last year and upheld that temporary restraining order that was issued by the district court. And again, why is this relevant here? The Eighth Circuit is not the Supreme Court. That's true. However, the state of Nebraska resides in the Eighth Circuit. So those of you who want, I guess, a lesson on federal courts, if there's no Supreme Court opinion on point, our district courts, federal district courts, will look to the Eighth Circuit in which we sit to make a determination about whether or not-- how they should rule. And so this is all gone on--

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. So this is the Court of Appeals case where they cite to a number of reasons aside from that one I cited. And we'll get into them, I guess, later whenever we get back into the queue and maybe others will talk about it. But they talked about the fact that the district court, in light of the evidence that they'd been presented, were correct in their assessment that both the irreparable harm would be so great to the, the movants, being the families and the doctors and that those movants were likely to succeed on the merits, being a def-- a determination that this law in the state of Arkansas is unconstitutional for a number of reasons, including that it discriminates. And so that is one consideration as we're talking about this bill, whether it's even worth passing, because the state-- the federal courts have already determined that a law that is almost exactly the same as this cannot go into effect because of the discrimination. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I rise in support of motion 9 and in opposition to LB574. At the start

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of this morning, the Clerk read into the record the minority statement produced by Senator Day and myself. This is the first time there has been a minority committee statement. I'm going to start with the summary. This is a minority committee statement prepared by the minority members voting against advancing LB574 from committee. This is filed pursuant to Rule 3, Section 19(b) and is signed by its proponents herein. LB574 would prohibit medical professionals from providing or performing gender-affirming care for people who are under the age of 19. LB574 would prohibit professionals from referring an individual younger than 19 for gender-affirming care. LB574 amends various scopes of approved practice of psychology, medical practice, pediatrics, and referable services for all professionals. Finally, the bill would prohibit any state funds from going directly or indirectly to any entity, organization or individual who performs prohibited procedures to an individual younger than 19. We go on to break it down by sections. At the end, after we break it down by sections, we discuss the lack of a credentialing review and the legal uncertainty that Senator John Cavanaugh just discussed. I encourage everyone in this body to read both the committee statement and the minority committee statement. If you really want to be informed and have an informed debate and discussion about this, therein lies some of the underlying points. I hope that the remainder of this discussion remains much more respectful than it started out this morning. This is a deeply personal issue for members of this body. This is an assault on individuals that members of this body love, care for, consider family, are family and to discuss it in any flippant way, is not only mean spirited, it's uncollegial. I've been asked a lot, it's no surprise, I've been asked to do a lot of interviews nationally for remarks that I made on this floor. And I've been asked time and again, why do Republicans want this? Colleagues, Democrats, I'd like to speak to the Republicans in the room, just the Republicans. My answer has always been this is not a Republican issue. This is not something that Republicans want. I know so many of you. I've served with you for four years. I know you. I know your families. I know your hearts. I know that you are caring, kind, and compassionate people who are here to do public service. And I am asking you to pay attention to this debate, to pay attention to this conversation. Open your hearts and your minds and think about what brought you here to begin with. What did you believe government should be? How did you believe government should function? So many of you have talked to me about government overreach time and time again, big government, inflated government, parental rights. This bill stands in opposition to the tenets that many of you have--

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**KELLY:** One minute.

**M. CAVANAUGH:** --expressed to me are at the foundation of why you are here. It will not be popular to vote against this, but that doesn't mean that you shouldn't. And I know many of you have voted against things that were not popular in the past. And I know that you have a heart for service and I ask that you use that heart for service in this debate. And to those of you that are watching who are part of the LGBTQ community, the, the trans community, you are loved. You matter. I am here to serve you. Thank you.

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

**CLEMENTS:** Thank you, Mr. President. I stand in support of LB574. I'd like to read from the transcript of the hearing on LB574 from a proponent. My name is Scott Newgent. I'm a lesbian, I'm a trans man, but my most important role is that of a parent to three incredible children. I'm a mother and a woman who has given birth and carried life. I'm here today to put an end to the idea that medical transitioning children is about human rights. It is not. It's about money. Market research predicts that gender-affirming care will generate more than \$5 billion by the end of the decade. The truth is that medical transition is experimental, it's dangerous, and it does not cure anything. But convincing you it does unlock-- it does, unlocks insurance companies and governments to pay for it. We now have children's hospitals all over Europe that are halting the medicalization of children. The leading country, Sweden, has shut down all medical transitioning. All of Europe is doing the same thing. They're calling it the biggest medical scandal in modern history. Yet here in the United States, we think it's about human rights. It is not. I underwent more than \$1 million worth of surgeries and hormone therapies to change from Kelly, a woman, to Scott, a trans man, and I almost died in the process. In fact, I still have infections. As you can see right now, I'm suffering from one. These infections will shorten my life because these procedures are experimental. I tried to kill off the female side because I was sold a lie. I was told that I was a man trapped in a woman's body, that my masculine traits and my strong personality were proof that I was really a man. I was told that if I pumped myself with testosterone, all my self-loathing would magically disappear, remove my breasts, alter my genitals, but I was tricked. You cannot transition your pain away, you can only add to it. If only I had embraced my differences, if only the medical community would have accepted me for who I was, my wife for who I was. We need to let these children have time to learn to love their natural bodies

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and embrace their differences. With gender interventions, there are no pause buttons. Ten thousand complaints against Lupron, against precocious puberty-- testosterone is irreversible. Males on estrogen can be permanently sterilized in four months. Are you really going to listen or to take stock in the AAP that follows the WPATH, an entity that accepts unix as a gender for children, an entity that has never held up in a court of law anywhere in the world as a baseline for care? Medical transition is experimental, all of it, except for top surgery. And that's the truth. For you to do the right thing today, you will be considered a bigot, but tomorrow you will be a hero. This is wrong on every level. I've done it, I've researched it, I've talked to hundreds of transgender people. Don't do this to kids. There was a question, can you just talk about your life prior to the surgery? Here's the truth. I was 42 years old. I was a successful business sales executive. And over the years I always heard that, you know, you do this like a man, you do that like a man. And then when the social contagions started coming in, the Jazz, the Jennings and some different family issues, I just kind of said, hey, you know what? Maybe I was born in the wrong body and--

**KELLY:** One minute.

**CLEMENTS:** --that was just something-- thank you-- was just-- I grabbed on to. Then after that, being vulnerable, I went to a therapist, a transgender woman therapist, because I thought that would be the best thing to do. Within five minutes, she looked at me and said, how long have you been wearing male clothing? Nobody would have thought I was a man, but that sentence was-- at 42, absolutely changed my life. So at 42, if I'm not able to navigate through this, do you think that children with immature frontal lobes can? You're nuts. All of you are nuts if you think you can. I yield the rest of my time to Senator Kauth.

**KELLY:** Senator Kauth, that's 18 seconds.

**KAUTH:** Thank you very much, Senator Clements. As far, as far as Senator Machaela Cavanaugh 's comments about the uncollegiality, I do find that ironic coming from her after the last month. And also regarding the Minority Report--

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

**KAUTH:** Thank you.

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

**SLAMA:** Question.

**KELLY:** I'm going to rule that out of order. I don't believe there's been fair and full debate on the motion. Senator Slama, for what purpose do you rise?

**SLAMA:** Motion to overrule the Chair.

**KELLY:** That is a debatable motion. All senators are allowed to speak once on the motion to overrule the Chair. And Senator Dungan, you're in the queue. You're, you're recognized to speak. Senator Dungan.

**DUNGAN:** I think the queue gets-- no. All right. Well, in that case, I rise adamantly opposed to the motion to overrule the Chair. Colleagues, we are just getting started for a three-day debate. And I understand that Senator Slama wants to move on from this. But at the end of the day, we're talking about incredibly important issues. And we cannot start down this road here on day one when we're about six people in. So, colleagues, whether you agree with this bill or not, please, please, please, please vote against this motion to overrule the Chair. Our Chair ruled it out of order. The queue is completely full. People are maybe only going to get to talk one time today. So I rise opposed to the motion to overrule the Chair. To take the rest of my time, I want to talk about some things that I was already planning on discussing. I rise opposed to LB574 and there's a lot we're going to hear about over the next few days. But I want to focus primarily on, on two things. One, a couple of weeks ago, I had the opportunity to go to a listening session with a number of transgender youth and their families. And it was a room of about 35, 40 folks, and it was more an opportunity to hear from them what some of the concerns they were having were and what they could do to help and to learn a little bit more about the process. And I'm going to talk more about the things I heard during that when I get to talk again on the mike. But I wanted to start by saying there was one youth who raised their hand and I asked, yeah, do you have a question? And it was more of a comment they said. And that youth specifically said that they were terrified that they were going to have to leave Nebraska. And they said, I love it here and I'm scared that I'm going to have to leave. All we talk about in this body time and time again is what can we do to keep people in Nebraska? And all we talk about time and time again is how can we continue to support the retention of youth? And I was heartbroken to hear somebody say that they wanted to stay here, but they thought they might have to leave. And so I say that for my colleagues who may not believe that that's necessarily a reality, but certainly it is something we're facing. In addition to that, I wanted



to pick up where my rowmate here, Senator Cavanaugh, John Cavanaugh, left off with regard to the Arkansas law. So the Arkansas law that was blocked that is very, very similar to the one we're discussing here today, there were three main reasons that it was blocked and that ultimately, it was upheld-- the blocking was upheld. First of all was an equal protection claim. For those who aren't entirely aware, equal protection essentially makes it so if you fall into a protected class, there has to be a certain kind of scrutiny used in order to find a law valid or upheld. Act 626 which was the Arkansas law, they found discriminates on the basis of sex because it prohibits medical procedures for minors of one sex, but not for minors of the other. For instance, a minor born as a male may be prescribed testosterone for assistance in puberty transition, but a minor born as a female cannot be prescribed testosterone. The court found that to be a discriminatory-- a discriminatory and unequal treatment. So essentially, they determined that that was unequal treatment under the law based on the fact that there are perfectly valid reasons to give somebody puberty blockers. But under that law and under what we're looking at here with LB574, those same medications could not be prescribed to somebody else purely based on the basis of sex. In addition to that, the court found that there was a violation of due process. Colleagues, our courts have long upheld that the right to raise your children the way that you want is a protected action. And that in order to pass a law that abridges or takes away that fundamental right to parent your children or to control your children, there has to be a compelling governmental interest and there has to be a narrowly tailored law to that compelling governmental interest. Essentially, statutes that interfere with that fundamental right are reviewed with strict scrutiny to determine whether they serve that compelling state interest.

**KELLY:** One minute.

**DUNGAN:** Thank you, Mr. President. Arkansas claimed its interest was protecting children. But the district court rejected that claim since Act 626 allows the same treatments which are medically sound for cisgender minors but bans them for transgender minors as long as the desired results conform with a stereotype of that minor's sex at birth. The interest that the state is claiming is pretext for discrimination. This law, colleagues, I do not believe will uphold strict scrutiny when we analyze it under a due process claim. And then finally, it's a First Amendment violation, as it does prohibit doctors from even referring or, or offering the kind of care. And so given the fact that LB574 is so similar to 626, I think we can reasonably believe that the circuit court that we fall under is going to find

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that it violates equal protection, due process, and First Amendment claims. And as such, regardless of how you feel about the underlying intent of the legislation, I would urge my colleagues to take a beat, look at this law and see whether or not--

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

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

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

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. Well, I had something else planned to say, but I will speak to this overrule the Chair motion. Colleagues, I think it's a, a very bad idea to start with calling the question after, I mean, half an hour maybe of debate on an issue. When I started here, we had a three-hour rule, that was three hours of discussion and then a bill got pulled unless you could show a card that showed 33 people were willing to vote for the bill. But of course, people could kind of hide in the shadows, fudge it, whatever. And when that happened in three hours, there were many occasions in which I didn't even get the opportunity to speak. This morning, I haven't even gotten the opportunity to speak. I know it's a long shot here, but maybe I had something interesting to say. Maybe I had something that was interesting to say about indefinitely postponing and you didn't give me the opportunity. You didn't give very many people at all the opportunity to speak to that issue. And I think what we do here matters, how we conduct our business matters. And no one, no one thinks when there's a queue with four columns that we have fully and fairly debated. That's four columns worth of people that want to discuss this issue. To cut it off before they give them the opportunity to speak to it, before they get the opportunity to speak to that motion, you're cutting off every single one of the constituents that voted for them. So I am adamantly opposed to overruling the Chair. I'm adamantly opposed to the idea that full and fair debate is four or five people having the opportunity to speak. We can do better on this count. The matter that we are-- the underlying matter that we are here to discuss today, is who do we trust? Who do we trust? Do we trust parents? Do we trust doctors? Or do we trust the 49 of us in this room? There's not a single one of you in this room, intelligent, competent people that you are, that I would trust to perform surgery on my pancreas, not a single one of you. I would not ask any of you to do that. I would ask a doctor. I trust doctors. They go through a lot of training. A lot of my friends went to medical school. Some of them, very smart people, didn't even get in because they didn't make the cut. I trust doctors and I trust parents. Parents

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know their child. Most of you in this room are parents. I'm not. I'm not, but, but I have nieces and nephews that I love very much and know very well. My nephew Ben loves raw carrots, loves them. He likes cooked carrots. He--

**KELLY:** One minute.

**DeBOER:** --hates roasted carrots. There is a difference between cooked and roasted carrots and he hates roasted carrots, but he likes cooked carrots. And his parents know that because parents know their kid. You all know-- remember when your kids were little? You know the difference between their cry when they fall and their pride is injured and the cry when something is really wrong, when they're actually hurt. And you know that from a distance and you can tell because parents know their child and I don't know a parent alive who wouldn't eat cockroaches to keep their kids from harm. Parents aren't duped. That's why they still keep their kids grounded when the kid says, you're ruining my life.

**KELLY:** That's your time, Senator. Senator Fredrickson, you're recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. I rise in opposition to the overruling of the Chair and also to the call of the question. I think Senator DeBoer did a nice job of highlighting. I think it's clear we have not had substantial debate on this whatsoever, so I would be opposed to that. I also will rebut, I think, Senator DeBoer, quickly, she said eating a cockroach for your child. I don't know if I'd go that far, but maybe I would if it really came down to it. I-- so I've been listening to the limited amount of speaking that's already happened on this and it seems to me that, you know, a lot of proponents of a bill are, are speaking to this idea of protecting, protecting these kids and I'm sorry, but I feel like we need to speak some truth here. I don't-- I just-- I can't take that as a genuine argument. I, I think if this were actually about protecting kids, I, I imagine the conversation we would be having would be something along the lines of how can we ensure that these kids are getting the best support available? How do we make sure that we are listening to them and responding to their needs, getting them connected with care, following best practices, but that's, that's not the conversation that's being had. The, the conversation that's had is around banning, eliminating, restricting. It's a very extreme response to something and it's a fear-based perspective, to be frank. I know some folks have also spoken a little bit about parental rights and I, I do have to say I do find it ironic. You know, we're literally here saying parents

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should not have a say in their child's medical care. This debate is really interesting to me because I think a lot about my own community's history. And I think about how, in so many ways, this is a recycled playbook. A lot of these things were said in the sixties, seventies, and eighties about gay people. This idea that we were somehow confused, we'll grow out of it, it's just a phase, we don't know who we are. It's insulting and I think it's a bit dehumanizing. And I know in my bones that we're better than that. Thank you, Mr. President.

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

**MOSER:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Well, I rise in support of LB574 and against motion 9, and I favor the call of the question overruling the Chair. A couple speakers have talked about the sudden rise of a call of the question and whether it's appropriate at this time, but the call of the question doesn't eliminate all debate. All the call of the question will do is get us back to motion 9. And motion 9 was an effort to cut off debate and kill the bill before we even began to debate it. So you can't complain about a call of the question and overruling the Chair being a sudden and unfair movement. We pretty much set that standard right from the get go, a motion to indefinitely postpone before we even began to debate it. OK. That's my discussion of the motion to call the question and overrule the Chair. Now, back to the bill. The bill makes it illegal for medical procedures on youth to change their gender from what they are to what they want to be. And in some bills, we've argued, at least so far in hearings, that 13-year-olds can't be responsible for murder because their brains aren't sufficiently formed to understand that murder is wrong or that it's final or that, you know, somebody will never draw another breath after you, you kill somebody. But here, we're saying that people can be-- have their gender changed-- well, operations to attempt to change their gender. They can't be reversed and maybe ten years from now, they may not think that that was a good idea, they may have medical complications from that. I think that's wrong. And then for those who call out people by name and, and try to personally attack somebody, we should be talking about the issues, not who brought the issue, who's against the issue, the issue, the underlying issue is important. And I think that we should avoid calling out people and picking on them for what they believe. We all got 10,000 votes out of our 40,000 constituents that were of age and wanted to vote. We all have a constituency to represent and I think we should respect that. I would yield the rest of my time to Senator Slama if she would like it.

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**KELLY:** Cannot yield on this discussion-- debate.

**MOSER:** OK. Thank you.

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

**LINEHAN:** Thank you, Mr. President, and good morning, colleagues. I'm going to talk about the underlying bill. This is a tough discussion. There's no doubt about it. But I think we really need to focus on what is this discussion about? It's about youngsters. I've raised four children. I have eight grandchildren and the oldest is about to become a teenager. Unless I am missing something, they are very far from mature enough to make these kinds of decisions. They-- I don't know. Maybe I'm, you know, I could be the last person to know. In my heart, it is not about being judgmental about the LGBTQ community. I am not. I think people should be who they are. And yes, I think we should love everyone for who they are. But I'm very concerned about-- I mean, someone said, don't we trust doctors? Not necessarily. I'm sorry. I, I trust-- doctors are human. Some of them are wonderful, great servants, some of them not so much. They're just as human as the rest of us. And I don't know people's motives here on the floor. I do know that this is very, very tough discussion and I would rather-- of course, would I rather be talking about something else? Yes. That would be more comfortable, because the truth is this wouldn't be so difficult if we knew the right answer, if any of us were absolutely certain that it's OK for a 15- or 16-year-old to decide to do a life-altering procedure. I'm certainly not certain. And yes, my heart does go out to parents, any parents, with all the reasons of raising teenagers. It's traumatic. It's traumatic for the child, it's traumatic for the parents. I mean, this is-- I never, I never faced this. I face car accidents and breakups and heartache. It, it's a very, very difficult time. And where I come down on this is, I don't know enough to say it's OK. I just don't. One of the things that Senator Bostelman read this morning, I'm going to reread it again from the Nebraska State Board of Health, because this tells me there's something very-- like, the truth isn't bubbling up everywhere. The risk of suicide, which I've heard again and again is why we need to do this-- the risk of suicide among children questioning their gender is of utmost importance. It is for that reason alone that caution, particularly regarding permanent psychological and physical alterations, be taken with minors unable to consent to these irreversible invention-- interventions. The last sentence of that paragraph: current data does not support the claim that suicide rates diminish among youth following surgical intervention. We do not have enough data to make these kinds of decisions. History is full-- and I do love history. I'm

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reading a book about Cuba right now. History is full of examples of people making major mistakes that they regretted.

**KELLY:** One minute.

**LINEHAN:** When we're-- and I would rather we didn't have to make these decisions, but we do. We didn't get elected just to do nice, fun things. We got elected to do the very, very hard things and this is very, very hard. But I, I can't in my heart say that I know, that every medical professional knows, that a 15- or 16-year-old child is going to make a decision that affects their whole life. I just don't think they're mature enough to do it and I feel great empathy for the parents who are struggling with them. But if you can surv-- if-- I don't see the waiting to 19-- I don't-- I think that is where the safer place is. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Erdman has some guests in the south balcony, eighth graders, parents, and teachers from Platte Valley Christian School in Paxton, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Hunt has guests in the north balcony, Matriarchs for Change across the state. Please stand and be recognized by your Nebraska Legislature. Senator Slama, you should have been recognized for an opening on your motion. Please proceed.

**SLAMA:** Thank you very much, Mr. President. And thank you very much for granting me an opening on my motion to overrule. I, I was a bit worried that we'd get to the end of this and I wouldn't have a chance to speak on my own motion, so I'll just be very brief here. When we're talking about full and fair debate on calling the question, all discussion thus far has been about general messages, comments about the bill, and a lot of personal attacks on Senator Kauth. None of it really has been about a motion to indefinitely postpone. And to Senator Moser's point, the motion to indefinitely postpone the bill is actually a procedural motion in of itself to prevent debate on the baseline bill. I wholeheartedly believe we need to be debating on the baseline bill, not a motion to indefinitely postpone, considering changes we could be making to the bill. An IPP blocks any potential changes, whether they be friendly or unfriendly amendments to the bill. And I saw, based on the number of people in the queue, this motion to indefinitely postpone, used as it has been in the past, to block any consideration for the baseline bill before cloture. So in order to maintain full and fair debate on the baseline bill itself, I do not take this lightly. I called the question and made a motion to overrule the Chair. So I'd encourage everybody, if you are waiting in line to speak, please consider hopping out of the queue so that we can

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get to a vote on this motion to overrule the Chair, cease debate, and move forward considering the baseline bill, rather than the motion to indefinitely postpone. Thank you very much for your consideration and I'd encourage a green vote on the motion to overrule the Chair, with all due respect. Thank you, Mr. President.

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

**HANSEN:** Thank you, Mr. President. I'll try to be brief here as well. I first want to give some commendation to Senator Fredrickson. I got-- gotten to know him over the course of the last few months and he, to me, eloquently, voices his opinion well. I think he puts his arguments together in a, in a sound manner. He expresses his concern with logic and with some emotion because it's emotional to him and so I appreciate his approach. He's not taking personal attacks on anybody, because this is, this is important to him and among other senators, as well, so I just want to give him some props for that. And I don't feel like this, this bill-- I kind of want to just touch on, I think, why it's appropriate, I think, as us as a Legislature, why it's appropriate for us to discuss this topic and bring it in front of us to vote. This is not-- this is among other, you know, laws we have in place where we feel it is appropriate for someone, you know, under the age of 19 to make certain decisions about their health. And you've heard this argument already on the floor quite a bit about how we don't let minors smoke or how we don't let them get tattoos or why we don't let them drink or even have sexual intercourse with those over the age of consent or the age of 19, even if the parent wants it or if they're OK with it. We have laws in place for that. So I think this is why I think it is an appropriate instance for us to bring this in front of the Legislature to see if it's-- we feel as a society and as a Legislature as a whole and as representatives of the people of Nebraska, if this is appropriate action to allow minors to make these certain decisions. I don't think it's meant to dehumanize or denigrate or deny the existence or what's going on with these families, because I personally don't know what they're going through. I, I have my personal philosophy about the role of government and, you know, where we stand and what our rights are as a state government to allow families to do certain things, because I'm a huge parental rights advocate. I also wanted to touch a little bit on the 407 process and what's been brought up as well. We heard about that in the Minority Report. One of the big arguments, I think, in the 407 process that Senator Day and Senator Cavanaugh brought up, which is, I think in some way legitimate, that we were circumventing the 407 process. And if some people don't know what the 407 process is, it's a, it's a process we go through as legislators to decide whether-- if certain

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providers wanted to expand their scope of practice: doctors, dentists, veterinarians, whatever. It goes through the Board of Health, it goes through other processes so they can render an opinion that maybe the committee is not, you know, knowledgeable on to give them an honest opinion. And it's already been brought up by the Board of Health, who rendered their opinion on this same subject, where they view that it is not appropriate for a minor to have gender reaffirming surgery until they're older. And so I think that helps negate the argument that the 407 process is appropriate. And typically, we only reserve the 407 process when we're going to expand a scope of practice. And in this instance, it looks like we're not expanding anyone's scope of practice, so that's why I don't think it's legitimate--

**KELLY:** One minute.

**HANSEN:** --to use. But I, I just, just wanted to get up and mention that I appreciate the real discussion that's going on here and the debate, trying to convince others to your side. And I hope we can kind of continue that discussion as we move forward and not make this personal towards other senators, even though it is personal to ourselves and keep it, keep it as clean as we can, I guess, so. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator McDonnell has guests in the south balcony from five different groups, Children and Family Coalition of Nebraska, Family Focused Treatment Association, Nebraska Association of Nebraska, NABHO, Nebraska and the Alliance of Family and Child Services [SIC]. Please stand and be recognized by your Nebraska Legislature. Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Lieutenant Governor. And I stand in favor of LB7-- of LB574, against motion 9. I'm, I'm in favor of the call of the question and, with all due respect, to overrule the Chair. SEGM, Society for Evidence-Based Gender Medicine-- we are an international group of over 100 clinicians and researchers concerned about the lack of quality evidence for the use of hormonal and surgical interventions as a first line treatment for young people with gender dysphoria. Dysphoria is a discomfort or distress or unease. That sounds like most young children. We represent expertise from a range of clinical disciplines. Our objectives include evaluating current interventions for gender dysphoria, providing balanced evidence summaries promoting the development of effective and sup-- supportive psycho-- psycho-- psychosocial approaches for the care of young people with gender dysphoria and generating good, answerable questions for research. Sharp increases in incidence of gender dysphoria in children and young



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people-- the small numbers of children presenting with gender dysphoria were primarily pre-pubescent males. But in recent years, there's been a sharp increase of referrals of adolescents, and particularly adolescent females, to gender clinics. Many do not have significant history of childhood gender dysphoria. A number suffer, suffer from corm-- cormibid [SIC] mental health issues and neurodevelopmental conditions such as autism or attention deficit, deficit hyperactivity disorder. The reasons for these changes are understudied and remain poorly understood. Childhood onset gender dysphoria has been shown to have a high rate of natural resolution, with a 61-98 percent of children reidentifying with their biological sex during puberty. In other words, it's just temporary. It's just temporary. The research into this course of gender dysphoria-- resis-- descendents among the cohort presenting with adolescent onset gender dysphoria is still in its infancy, due to the novelty of this presentation. However, recent research from the UK clinic population suggests that 10-12 percent of youth may be detransitioning with 16 months to 5 years of initiating medical interventions. Ten to 12 percent will have been affected now taking these drugs and no longer want to take them, they've already changed their lives, with an additional 20-22 percent discontinuing treatment for a range of reasons. An additional 22 percent. Now we're up to 34 percent. Thirty-four percent have been taking these drugs to change their genders and now they go, whoops. I guess I was OK in the beginning. But now we've ruined 34 percent of our children. The researchers noted that the detransition rate found in the recently presenting population--

**KELLY:** One minute.

**LOWE:** --thank you, Lieutenant Governor-- raises clinical questions about the phenomenon of overdiagnosis, overtreatment or ero-- ero-- erotogenic harm found in other medical fields. We are jumping the gun on treating these children. All we want to do is wait until they grow up a little bit. Maybe so they go, hey, I'm OK. I was a tomboy. I liked dressing up dolls, earlier. I liked wearing my mommy's shoes. And then by the time they're older, they now see themselves as God gave us them. Thank you.

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

**von GILLERN:** Thank you, Mr. President. I rise today and stand in support of LB574, opposed to the IPP motion and, with all due respect, Mr. President, in favor of the overrule of the Chair. As I considered

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this debate, I constantly reminded myself that this bill is about protecting kids and, in truth, protecting themselves from their own young and immature minds. There's been testimony today that seeks to imply that loving the individual is impossible if we disagree with them. I just want to say out loud, I hate that. Prior to the growth of social media, we were allowed to disagree with one another, but still know that we respected each other and our rights to make our own decisions. Today, the words "I disagree with you" are directly translated by many to "I hate you." I want to say publicly that I disagree with some of you, but I hate none of you. I certainly do not hate trans people or others who live differently than I do. For anyone to project their hate upon me or others is presumptive and shameful and to use a word that is incredibly overused in this body lacks collegiality. Not everything that a child wants for themselves is good for them. We don't let a kid eat candy for every meal because we know it's harmful. We don't let them choose whether to attend school or not. We don't let them jump off the roof because they think they're a superhero. As parents and adults and frankly, as good citizens and in this room, good lawmakers, we make good decisions every day to protect the most vulnerable in our society. And in this discussion, that is our children. Why would we let a child choose to alter their gender simply because they feel at that moment they're trapped in the wrong body or worse yet, because someone planted that idea in their head and promoted it? Not everything that a child believes about themselves is true. Thank God. Most kids go through a questioning or a denial period where all that they know is up for question. I know that I did as a teen. Teen years are tough and nothing that I or others wish to see happen here is intended to make life more difficult for any teen, for their parents or their families. I've not been personally involved in a transgender family situation and some might say that because I have not, I have no right to speak pro or con on this matter. But I disagree vehemently. You don't have to be personally involved in a situation to have compassion for those involved and also wish to hold those responsible accountable for their decisions. Nothing in this bill is transphobic or homophobic, as has been claimed by the opponents. Rather, it simply requires children, children to wait until they are adults to surgically alter their bodies, to take hormone blocker drugs that have dramatic and permanent side effects. Quick history question. Are there other psychological issues that have claimed to be fixed by surgery over the years? Sure there are. Decades ago, shock treatments, lobotomies, forced sterilization and other physical alterations were undertaken to treat psychological matters. We now know in hindsight that those treatments were abominable. And as Senator Linehan mentioned, referring to the surgeries and the

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procedures that are talked about today, we simply don't know the outcome of those. Are we that much more enlightened today than we were decades ago? I doubt it. We don't alter our biology to fix our psychology. The removal of breasts or genitalia, the consumption of hormone blockers or hormones and even the clothing or hairstyles that we wear--

**KELLY:** One minute.

**von GILLERN:** --do not change-- thank you, Mr. President-- do not change our DNA. None of these actions should be undertaken by a child whose brain is incapable of understanding long-term decisions. We don't throw away centuries of science, biology, and anatomy discussions for a new social construct that says we can be whatever we want to be on a given day. We need parents to act like parents and not bend to every whim or whine of their children, but still be supportive and loving of them as they help them navigate a challenging period in their lives. Thank you.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand opposed to the overrule the Chair motion. And with that, I am going to talk about the bill and not get out of the queue because we had the opportunity to continue talking and someone chose to make this motion, so we're going to move forward. I take issue with how the bill is written. I want to talk about the underlying bill. The language is insulting, the language shows, shows a lack of science and the language opens the door for a lot of unintended consequences, much as we've had in the past with some of our abortion bills. And so that's what happens when we're in a culture war, is that we bring forward legislation regardless of what you believe, be you for this bill or against this bill, you have to look at the text of this bill and it's a mess. So I'm going to talk about some of the things in the bill and I'll be talking about it throughout the day. So in the bill, it says surgical and nonsurgical gender-altering surgeries are generally not recommended for children; alter or remove physical or anatomical features that are typical for that individual's biological sex. So one in 2,000 children are born neither boy nor girl. And a decade ago, doctors often encouraged families to pick a side, pick a sex. And you know why they stopped doing that? Because gender identity is complex and doctors can get it wrong and ruin that child's life forever. You give examples in the bill, but there's a long list of biology that can come into play and saying things in the text like "such as" is a dangerous way to describe this potential. And by the way, my first

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babysitter when I was a little kid was a hermaphrodite. So I learned from a very early age that people's biology can be very different than male or female. And I think it's really insulting when we continue to use words like that throughout the bill. In this bill, what I see is that you're trying to regulate healthcare that you don't like, but when you talk in the bill about doing surgery on healthy and functional body parts, how come we're not talking about circumcision today? You know, circumcision, when they remove the foreskin that covers the tip of the penis. That baby doesn't get permission-- it doesn't give permission for the parents to do that, but the parents do that because that's kind of the fad in the United States. You know, if you travel to other countries, they're going to wonder, like, is this a religious thing? What are you doing to your penis? In the United States, 60 percent of parents allow their child's-- children to have circumcisions and that child doesn't get a say-so in that. And depending on who you talk, medically, we can find bogus information, just like some of the things I've heard read on the mike today, of doctors who say you absolutely, positively must have this or you absolutely, positively must not have this. There's not a lot of science behind it, though. You can and can, can or cannot live with a circumcision. It doesn't affect your overall health in general. Four percent of teens have plastic surgery. If you look at the text of this bill, that comes into question-- augmentations, implants. And do you know that you don't have to, at least in Nebraska, have mental health counseling to change your appearance as a teenager? If we're talking about how we want our children to be proud of their bodies the way that they are and proud of how they identify, we don't think twice about plastic surgery. I find that concerning. And again, when you look at the way the bill is written, some of this could come into play. That may not be your intent, but the language says otherwise. And lastly, I want to talk about the testosterone part of it, the-- in the bill. So I know for a fact based on other states that have done this, the Internet--

**KELLY:** One minute.

**BLOOD:** --black market is going to profit off trans discrimination, more than Viagra, more than Xanax. We're willing to allow teenagers to risk their life because the medication they get through the Internet is not the correct dose. It's a combination of different hormones that have effects like blood clots, strokes, pulmonary emboli, really serious, life-threatening complications. That is why it's left up to medical professionals, not to mention a lot of the young women that I saw at the gym last night that are utilizing things like testosterone that they can purchase over the counter that are larger than would

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normally occur naturally, as is stated in this bill. Are we now the testosterone police? Because that's how the bill is written. Again, I understand your overall concerns and why you're moving this bill forward. I don't agree with it in any fashion, but the bill itself is a mess and you are causing unintended consequences--

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

**BLOOD:** --with the way the language is written. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I rise in support of the Chair's ruling. I rise in support of Senator Hunt's motion and I stand in full opposition to the underlying bill. As a mom, as a civil rights attorney, as a state senator, I see this as a hateful, harmful bill that targets young trans Nebraskans. And I think everybody is clear about the amount of divisiveness and harm and hate that this measure has injected into our body, which is part of a national playbook, which is undeniable. I have had the opportunity to talk with law school classmates, small business owners, captains of industries, Republicans, Democrats, farmers who are trans and who have trans children and are aghast at why people would use the power and prestige of their position and this proud institution to target their families. And I don't have a good answer, other than a tyranny of the majority, raw political power, and a divisive, hateful, toxic politics. With that, I want to add a couple of additional points to the debate. Senator Slama and Senator Moser, who are my friends and I appreciate their service in this body, misunderstand the rule in regards to what Senator Hunt filed and they misunderstand the history of the body, so let me go ahead and reset the record for them. This motion is utilized rarely and for good reason: when there are rogue committees who don't do their work, who don't perform a gatekeeping function, who don't do thoughtful jurisdictional subject matter related work to advance something that is prime time to the full body for deliberation, which is exactly what we have here. That's why the early IPP was developed, that's why it was used in this context. Once we saw the shenanigans with how committees were structured, we knew what the result would be on measures like this. I've talked to members of the Health Committee. I understand that they Execed on this measure for maybe 10 or 15 minutes and put it out after hours of debate from the second house, with not one sentence, not one word of a committee amendment. So what Senator Hunt appropriately did was see that coming. She gave the opportunity to the body as a collective to clear the

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decks, when the committees don't do their job, which is exactly what happened with LB574. A couple of other points that's key to note. We've heard about, you know, there's all kinds of things scrambling around here this morning and that's because Senator Kauth and her supporters know that they don't have the support to move the bill. And that's why we're seeing last minute motions to stifle debate, that's why we're hearing about last minute announcements from the Board of Health, that's why we're seeing last minute scrambling amendments around. And let's be clear about what the Board of Health is and is not. It's made up of a group of political appointees that does not set policy for the state of Nebraska. It has members that are, some nurses and doctors, but it also has dentists and veterinarians and physical therapists and pharmacists and members of the public and engineers. One member of the public who's vice chair is a right-wing lobbyist for, for various interests in Nebraska. So let's be clear about the political nature of the Board of Health and its inappropriate role in the context of this debate. Senator Kauth and her supporters know that the NMA, the Nebraska Medical Association, the Nebraska Hospital Association, the American Medical Association, the National Academy of Pediatrics, every major--

**KELLY:** One minute.

**CONRAD:** --medical group in the state and the country opposes her measure and opposes her amendment. Nothing changes that. All the other is attempting to whitewash, put a bow on, distract and deflect the underlying, hateful, harmful nature of this bill. And even as amended, raises serious issues as to due process, equal protection, loss of Medicaid funding, the First Amendment, and a host of other legal issues as have played out right here in our Eighth Circuit and in courts across the country. Senator Kauth and her allies are clear. This is where they direct the attention of the Nebraska Legislature over the past 45 days and this is where they want to see us continue to stay on our time and attention and resource for the next 45 days. I say no to hate and I say no to moving this measure forward. What a disservice to our citizens and to our constituents--

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

**CONRAD:** --to not spend our time and energy on moving Nebraska forward. Thank you, Mr. President.

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

**DOVER:** I yield my time to Kathleen Kauth. Oh, I can't.

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**KELLY:** Correct.

**DOVER:** I withdraw. Can I do that? Thank you.

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

**RAYBOULD:** Thank you, Chair or Mr. President. I want to say good morning, colleagues, and good morning, fellow Nebraskans. You know, I stand in opposition to overruling the Chair and in opposition to LB574. I guess the question I want to ask everyone today is, since when do we disregard science, data, medical advice, or even parental rights? Why, why do we choose to vote on hateful measures like LB574? You know, our duty and our obligation is to protect all children. I firmly believe that and I know everybody in this body believes the same thing. We need to do everything that we can to present-- protect that 2 percent of the U.S. population that identifies as trans children. You know, I am really glad we're talking about protecting children because, to me, we should be talking about legislation that does exactly that. You know, the data is in, it is a fact, the number one killer of U.S. children is gun violence. Why isn't that all hands on deck? Nebraskans out there listening, why aren't we all hands on deck with the number one killer of children? And I've asked my colleagues every day that we've talked about this, what are you doing to keep Nebraska children safe from gun violence? Because that is the number one killer of U.S. children in Nebraska. You know, we need to trust our healthcare professionals and we need to trust our parents. And there's been a lot of misinformation. Taking the gender-affirming medication starting at puberty, it can be reversed, but children have to go through two, maybe one, two years of counseling for that. But, you know, this is one thing that nobody's talked about. What about the economic well-being and the harm this piece of legislation is going to cause our state? You know what happens? People are going to be leaving our state because we're going to be identified as a state that hates diversity. And I want to go back to Blueprint Nebraska and I want to thank Senator Walz, because I love Blueprint Nebraska. This, this was a study compiled over several months. The smartest people in our state of Nebraska were convened and tried to identify what are the key issues that are impeding economic growth in our state of Nebraska. They identified some fundamental issues: jobs, quality of life, young population. And I'm going to focus on young population, income, research and development investment. Here's what it says about young population-- attract new residents to the state by leading peer states in building the population of 18- to 34-year-olds. Would-- well really, good luck with doing that by enacting hateful legislation just

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like this. Blueprint Nebraska goes on and recognized that despite all of the strengths in Nebraska, Nebraska faces several challenges, particularly around innovation and talent that need to be addressed. It goes on to say that Nebraska has difficulty retaining and attracting young talent. Well, no kidding. This bill is going in the wrong direction. Nebraska, I don't know if you knew this, it's ranked 39th, 39th of being able to retrain-- retain and attract young people to our state. So are we going to do a race to the bottom, to be ranked 50th, the last state in the entire U.S., because we can't attract and we can't even retain--

**KELLY:** One minute.

**RAYBOULD:** --our young people? Thank you, Mr. President. I have other data that shows states like North Carolina, when they enacted their bathroom bill, guess what contracts they lost? They lost the NBA contract, they lost conventions, they lost PayPal coming. Other studies show students switch up college plans as states pass anti-LGBTQ laws. Do we want to be one of those states doing that? Blueprint Nebraska goes on and talk about exactly the steps that we need to do. They list three fundamental steps that I'd be happy to go over if someone would yield me more time to talk about the things that we in Nebraska can do for our economic well-being. This bill is not one of them. Thank you, Mr. President.

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

**VARGAS:** Thank you very much. I stand in opposition of the underlying bill, LB574, stand in support of Senator Hunt's motion. I'm in opposition to the overruling the Chair and the call on the question. I'm not in opposition of this tactic being utilized. I, I try to be or I'm trying to be as, as fair-- I know some people are frustrated or have been frustrated with the IPP motions or, or utilizing and taking up time on a lot of these bills, that we've seen these last couple of weeks, not only from Senator Cavanaugh, but others. These, these are tools within the toolbox for the Legislature to utilize. And although I don't agree with it and I've, I've mentioned that, what Senator Slama on overruling the Chair, she's allowed to do that. That is within our rules. It is part of this process. It's part of the debate. It's part of our rules. I know Senator Conrad mentioned this as well. And I just want to make sure that the body knows this and, and the public knows this. We often get rules about, you know, let there be debate, let us talk. We have these rules to be able to allow us to, to have the kind of debate and procedural rules that [INAUDIBLE] us to slow down debate, speed up debate, and it is a checks and balances



within our body. That's what this is. So I'm not-- I'm in opposition to the, the motion to overrule the Chair because I do not believe that there has been full and fair debate to call the question. But it's completely in support of a senator, including Senator Slama, utilizing this tactic in the way they say that they would like to. If it is a tactic that's used as part of this, trying to get some of their talking points on the record. I just want to make that crystal clear for the public. I am against LB574 and there's a lot of reasons, many of which that have been shared here today. And there's a couple that I want to touch on because it is important for me to get them on the record, but it's also important for consistency. You know, we've had a couple of other bills that have to do with healthcare access for individuals and specifically for women. I've got on the mike and talked a lot about who are we listening to in this body. I love that we are consistent. I hate when we are inconsistent. It is what troubles me the most, especially when we're talking about when we listen to the business sector. The first, the first thing is I wish we were talking about the more substantive legislation that we have right now that we could be discussing that have to do with affordable housing, with jobs, with economic development. Any senator's allowed to bring whatever they want. That's true. But it frustrates me when we have legislation and bills that aren't dealing with the most pressing matters that are facing Nebraskans right now and instead, are caught up in what we see across the country with a wave of more political bills. There's been more than 70 types of these legislation having to do with transgender individuals across this country introduced in the last year and a half alone. This is a trend. It's not just trying to solve a problem, as what I heard from Senator Kauth. Fundamentally, this is about patients and their doctors should be making these decisions, that this gender-affirming healthcare is in the best interest of individuals. That's what this is about. Many of you have heard of the American, American Medical Association. Put aside the Nebraska Medical Association who's already in opposition to this. Our American Medical Association had urged legislators, governors to appoint-- to oppose state legislation that would prohibit medically necessary gender transition related care for minor patients.

**KELLY:** One minute.

**VARGAS:** And they cited evidence that trans and nonbinary gender identities are normal variations of human identity and expression and that forgoing gender-affirming care can have tragic health consequences, both mental and physical. Hearing professionals in their field studying this their entire lives, not senators researching for a year on seeking out the things and only the things that are

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reaffirming their argument, but professionals that are doing this day in and day out with patients that are trying to do no harm are the individuals that we should be listening to, in addition to parents and their families. These decisions need to be made between themselves and their doctors. That is what-- that's the reason why I'm opposed to this bill. And I would much rather that we start focusing on some of the more pressing issues of economic development, on addressing issues of poverty, on homelessness, on jobs, on economic development, on housing.

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

**VARGAS:** That is what I want to focus on. Thank you very much.

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

**JACOBSON:** Thank you. Mr. President, I rise. I'm currently undecided on the motion to overrule the Chair and I would also tell you that my view of the underlying bill is that there should be a path forward if we can find compromise. I've said for some time there should be some compromise. That's part of what this body should be about, is finding a path forward that we can try to reach compromise and do something that we can all maybe not like, but that is better than the alternative. I'm very concerned about the concerns with, with frustrations between colleagues. There's a lot of things that we need to get done. I would agree with Senator von Gillern's comments that we need to be collegial. We need to work with each other. This should not be personal between individuals, although we all have very strongly held beliefs about the issues that are there. I come from a very conservative district and I have a pretty good read on what my constituents want me to do. At the same time, I have personal views and I, and I've heard from a lot of people about the concerns that they have on both sides of this issue. I do think there's a path forward. I do think that path forward is to reach a compromise. I'm having a hard time being able to be comfortable with allowing surgical procedures that are clearly irreversible. At the same time, I recognize that puberty blockers are just that. They block puberty until you go off the puberty blocker and then puberty continues. So I think the big controversial piece that's left in the middle is the hormone treatments and at what age would that begin? And that's generally going to happen around 13 or 14. And so then you've got to question, at what point do we let the parents make that decision? I get that argument. And so I think there is a path forward to be able to ban any surgical procedures until age 19 and potentially leave the

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other to the decision of the doctors and their parents and the psychologist and, and the child themselves. So what I'm hoping for is that we can adopt an amendment that would bring compromise, let us move this process forward. I'm of the opinion that I would support an amendment that would do just that, but if we can't get that amendment, I'm going to support the underlying bill. So I'm hopeful that we can reach a compromise. I think the votes are there to move, to get us to cloture. So I think we've got to decide what kind of a bill do we want in the end. And so whatever we have to do to get there, if it's going to take us eight hours to get there, then it's going to take us eight hours to get there. But at some point, we're going to have to make a decision on this bill and we've got other things that we want to get done. And I hope that we can all work together as we move forward and get some things accomplished in this session. So with that, I'm going to yield my time back to the Chair. Thank you, Mr. President.

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

**DAY:** Thank you, Mr. President, and good morning, colleagues. I just wanted to address a few things that were said on the floor this morning. First, I want to talk about we keep hearing about compromise or we can agree to disagree. People are struggling with the idea that they're being called bigots if they support this bill. I would say that the only compromise with bills like this is to just leave people alone. There is no such thing as compromise when we're talking about taking away the right to be a parent to your own child. Just leave people alone. If you agree to disagree, that's fine, we can do that. Then pull the bill and you can do and parent the way you want to and the rest of us can do and parent the way we want to. That's the compromise. Leave people alone. It's really easy to make medical procedures sound barbaric and awful when you're talking to people who don't understand or practice medicine. We have the same conversation when we talk about abortion. We use triggering and emotional words like murder or mutilation to describe medical procedures. But the thing is, is that none of us know what we're talking about. None of us practice medicine. So to a lot of people, it does sound barbaric because it removes the humanity in the situation. It removes the nuance involved in really difficult private medical decisions. And that's what we're fighting for. We're fighting for people to be able to maintain their humanity. To be able to make private medical decisions about their children in privacy without the government telling them what to do. As Senator DeBoer mentioned earlier, I wouldn't trust any of you if I needed surgery on my pancreas. If I-- if my, if my child was diagnosed with something, I'm not going to come to any of my colleagues, no offense, and ask you your opinion on what

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medical care I should get for my child. I'm going to go to a doctor and that's who we rely on when it comes to private medical decisions. The Nebraska Medical Association is opposed to this bill. The American Medical Association is opposed to this bill. The American Academy of Pediatrics is opposed to this bill. The American Psychological Association is opposed to this bill. Every major medical organization is opposed to this bill. Doctors are telling us not to do this. Why do we as legislators think that we know better than physicians? Why do we feel it is our job to step in the middle of the very crucial patient-physician relationship and insert ourselves into that? We have no expertise in this area. It's not our place. And I think that that is illuminated when we talk about the things that gender-affirming care has been equated with this morning on the floor. So far, people have talked about comparing gender-affirming care to allowing minors to smoke, to drink, to get tattoos, to have sex with adults,--

**KELLY:** One minute.

**DAY:** --to jump off the roof, to eat candy for dinner. That in itself illustrates a great misunderstanding of the purpose and the need for gender-affirming care. And it immediately discredits you from the ability to make these private decisions and get in the middle of these families' lives. I yield the rest of my time. Thank you.

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

**HUNT:** Thank you, Mr. President. Whoo, I didn't want to follow that. When Senator Jen Day gets going, get out of the way. I want her to just keep on going. And that was very well said. This bill is just a way to be homophobic today without being homophobic. And by being-- by not advancing this bill-- by advancing this bill, you're being complicit in the filibuster of the rest of the session. What we're dealing with here is politicians, radical politicians, actively choosing not to leave people alone. There's no threat to life or liberty that demanded a ban on trans healthcare. They embraced this cause because they believe that picking on particular groups of people is good politics. And maybe Senator Kathleen Kauth is picking on children because she thinks that children is actually a group that can't fight back. I think that what's going on on the board, we have the bill, we have my motion to IPP the bill, Senator Slama called the question and then motion to overrule the Chair because the Chair ruled that there had not been full and fair debate on my motion. Would Senator Wendy DeBoer yield to a question?

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**KELLY:** I'm ruling from the Chair that that's out of order, a question to another senator during the one time per senator order on this motion.

**HUNT:** Point of order.

**KELLY:** Please state your point of order.

**HUNT:** You can yield to a question. You just can't yield time to another senator.

**KELLY:** Senator Hunt and Speaker Arch, please approach. Senator Machaela Cavanaugh has some guests in the south balcony, Democrat-- Douglas County Democrats, please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

**CLERK:** Mr. President, amendments to be printed: Senator Fredrickson to LB757, Senator Wayne to LB532. And a motion from Senator Cavanaugh. Additionally, your Committee on Education, chaired by Senator Murman, reports LB455, LB71, and LB222; LB71 and LB222 having amendments. Additionally, new A bill, LB684A from Senator Briese. It's bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB684. That's all I have at this time, Mr. President.

**KELLY:** Senator Hunt, you're granted an opportunity to speak to your point of order.

**HUNT:** Thank you, Mr. President. How much time do I have?

**KELLY:** Untimed for [INAUDIBLE].

**HUNT:** What?

**KELLY:** Time-- untimed.

**HUNT:** Oh, OK. Oh, no. Well, Senator Slama called the question. And there is precedent, of course, to say that you can't yield time during debate on the call of a question, but you can ask questions because the time that you have under a call of the question motion is yours to organize as you see fit. When I wanted to ask Senator DeBoer a question, I wasn't giving her my time, I was still operating within my own five minutes. That's still my time. I have one time to speak on the motion to overrule the Chair. Typically, you get three on--

**KELLY:** Look, Senator.

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**HUNT:** Yes?

**KELLY:** The Chair ruled on your point of order previously. Do you have a motion?

**HUNT:** I am disgusted that you are making this decision under the guise of protecting the institution when you see what's going on here. When Senator Slama called the question when like five people had spoken and I supported your ruling on that. This is not consistent with your own values here in the body. Senator Lowe and Senator Erdman showed that it is the individual's time to use as they see fit. When they stood up and they said nothing on the microphone for their five minutes. There is nothing wrong with me asking a clarifying question of another senator, especially when the body is confused because they don't understand the rules--

**KELLY:** Senator Hunt,--

**HUNT:** --about what's going up, up on the board.

**KELLY:** --please come to order.

**HUNT:** I am going to be the stateswoman that I am.

**KELLY:** Are you moving to overrule the Chair's--

**HUNT:** I'm answering you. I'm going to be the stateswoman that I am. I will not set a new precedent for this body by motioning to overrule the Chair and we can continue with debate.

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

**ERDMAN:** Thank you, Mr. President. I appreciate that. It's been a while since I turned my light on. I nearly forgot what I was going to say. But one of the things that I am going to say, I'm in favor of voting to overrule the Chair. And they say there hasn't been a full and fair debate. Senator Machaela Cavanaugh has been debating LB574 for a couple of months. I would think that would be sufficient time. Another thing that I would suggest is there's probably not a person in this room that will change their mind about LB574 no matter how much debate we do have. So we've all come to a conclusion what our vote is going to be. And so maybe we should call the question and vote on this amendment, indefinitely postpone, and then move on and call the question on LB574. And Senator DeBoer had made a statement earlier this session about people in the state of Nebraska don't want us to

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debate social issues. I have received as many emails from her request as any this session, and the overwhelming majority were, yes, we want you to debate those. So I looked up some of the statistics to see who supports LB574 and here's what I found: Republicans, 76 percent; rural people, 73 percent; parents, 71 percent; grandparents, 71 percent; CD3, 70 percent; unaffiliated voters, 66 percent; men, 64 percent; women, 62; CD2, 61 percent; suburban, 60 percent; CD1, 58 percent; and urban, 54 percent. You notice there was not one of those demographics that were in-- opposed to LB574. So what we're doing here today is we're discussing what the majority of the Nebraskans want us to discuss. And we from that survey can conclude they want us to vote and pass LB574. Seven years ago when I came to this body, I never dreamt that we would be talking about something like this in the Legislature. Absolutely foreign to what I thought may happen. God created us, male and female. And it's kind of strange that when you go in for surgery to change your identity, you only get one choice. If you're male, your choice is to become female. If you're female, your choice is to become male. But our society says we have many different genders. But it is strange you only get to choose one when you make the choice to change. There are people who have made that decision to make that transition when they're young. And as Senator Kauth said, when their brain matures, they realize that was not the best decision or perhaps it was the poorest decision they've ever made in their life. But it's irreversible. It's irreversible. And so for the life of me, I can't imagine why we want to mess with something that God created.

**KELLY:** One minute.

**ERDMAN:** He made us male and female. There are other issues with these young people that are convincing them, whether it be adults that they know or a fad or whatever it may be, to change their mind about who they are. Vote yes on overruling the Chair and vote yes on LB574. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. I'm sorry for what's happened today. I'm not apologizing for my actions. I'm apologizing to the people of Nebraska. We are witnessing the tyranny of the majority seeking to silence the minority. Since the beginning of this session, the majority has used their power to punish, to disregard, to mock, and to alienate the minority in this body. We just witnessed the presiding officer over this Legislature from the executive branch abuse his position and speak in such an inappropriate

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way to one of our colleagues. I know that there won't be outrage because Senator Hunt is a Democrat. I know there won't be. From the very start of this session, this body has conducted itself in a way that no other legislative body has. You have punished the minority. You have tried to silence the minority. You have literally and figuratively tried to punish and silence the minority. You want to use me as some token as to why you all are behaving poorly. I'm following the rules. I'm using the rules set forth to do what I believe is right. Just as others in this body are using the rules set forth to do what they believe is right. Senator Jacobson, you are not going to get to vote on your compromise. First of all, just because it's a compromise in your mind doesn't mean that it's a compromise or even acceptable. When it comes to the protection of children in this state, I will not compromise. I will not compromise. I have ensured that there are motions to block any amendments from coming to debate. That's my prerogative in using the rules. So if you vote for this, you vote for this. You vote for LB574 in its purest evil form. You vote for LB574 to go after the medical community, to go after parents, and to go after trans children. That's what you vote for. You can blame me for voting for it, but I can't push any of your fingers on your buttons. You vote for it. You vote for it. I'm going to block anything from changing this bill. I tried to get the committee to change this bill before it came out of committee. I tried to convince the committee members that we should consider an amendment. I asked if the introducer had requested an amendment. No, no, no. So now you want a compromise to assuage your guilt? No, thank you. I will not allow you to assuage your guilt. If you want to find a way to vote for LB574, vote for LB574. It's there for you. Go for it. Have at it. But it's not going to get better. It's going to be in its pure form that Senator Kauth and the male members of the HHS Committee decided it would be in. You get to vote for that and nothing else. And if you want to blame me for your inability to stand up for your own beliefs--

**KELLY:** One minute.

**M. CAVANAUGH:** --fine. I don't have to live with you. I don't have to live with your conscience. You do. I'm sorry to Nebraska that you are witnessing the crumbling of diplomacy, of statesmanship in this body. We have rules. I'm following the rules. It'd be great if everyone, including the presiding officer, did the same for the integrity and future of this state. Thank you.

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



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**WAYNE:** Thank you, Mr. President. I'm going to only talk about the, the rules here. So the first thing is the question of the overrule the Chair. One, it comes down to fair, fair debate. And then I think what happened after that caused some confusion. So there were a lot of people in the queue who maybe would have got out of the queue and "regot" in the queue to talk about the motion to overrule the Chair had we cleared the queue. Now, I think there's a precedent of clearing the queue. Maybe, maybe not, doesn't matter, I'm just going off of memory. But I think in the future we have to know kind of the rules of engagement. Then there was the question of can you yield to a question versus yield time? I think the Chair is correct on not yielding to a question. Now let me caveat that and say that I was one of the few for the last five years during the overrule the Chair who would ask people questions. I did it because at the time the Clerk said it was allowable. But let me get to the heart of the rule why I think it's not allowable, but I operate whatever the rules are in this body. And the reason why you can't yield to a question or you shouldn't is for the spirit of the rule. Now in normal terms of debate, you can take whatever time you want. You can take up as much time as you want. You can sit there and say nothing when it's your time, that is your prerogative. But when you overrule the Chair, that is a big, big issue. That is a big, big issue. So the rule set forth, everybody gets one opportunity to speak because they want to ensure-- the rules is the "they"-- that everybody gets an opportunity to speak. What happens when you yield somebody a question, you now give that senator who's answering that question two opportunities to speak on that motion. That circumvents the rule. Now, yes, I did it because the precedence for the last five years, six years was we can do it. We have a new Clerk. We have a new Chair. And you may say, well, precedent means something. I understand that. The issue is when Senator Flood was Speaker, he made the same ruling as the current Chair. So we actually have a mixed precedent. And so when there's a mixed precedent, you turn to the rules and you turn to Mason's Manual and then you turn to the spirit of the rule. And the spirit of the rule is we want one person to talk one time, because overruling the Chair is such a big deal. You have to make sure everybody gets their voice heard and somebody doesn't take advantage of that by talking three or four or five times. I don't care which way we move, but the Chair has ruled in one way and I'm willing to follow suit with that. I do think in the future we should clear the queue to make sure people understand what they want to say, because I think Senator Duncan was-- Dungan was right up and he didn't get to clear the queue. So it was either in his mind, jump behind 30 people and talk or say what he has to say right now. So that's my little suggestion to the body going forward and to

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make sure we have clear rules of engagement. Once we have clear rules of engagement, we're fine. But understand, the purpose of overruling the Chair is a big, big deal because that becomes a huge precedent down the road. And so with that, I don't think there's been full and fair debate. The precedent has been, since I've been here, if there are people in the queue who have not spoke, have not spoken, then it's not been full and fair debate. Now, only one time that I've been here in six, seven years now I've seen that not happen and that was because of me. I kept popping out of the queue to keep going to the bottom of the line, and that was because I was trying to get a compromise done and we couldn't get the compromise done. So I think that ruling was probably right. My point of it is, is whatever the rules are, we need just to be consistent. But understand there's a new Chair, new Clerk, and they're going with--

**KELLY:** One minute.

**WAYNE:** --the spirit of the rule. And I can't fault them for going with the spirit of the rule. We may not like how it makes us feel right now, but we've got to play within the rule so more people can be engaged in the conversation. With that being said, I do not think-- I don't think overruling the Chair is proper in this motion because not everybody has spoken or had an opportunity to speak on the underlining bill. I know I haven't. I know a lot of other people haven't. So we should engage. And it isn't, it isn't about what happened four days before or a week before or how much Senator Cavanaugh may have talked about this bill, it's about when the bill is on the board, when the motion is on the board. And right now that motion is on the board and a lot of people haven't been able to engage in this conversation. Regardless of whether it changes anybody's mind or not, that isn't the issue. The issue is my opportunity to speak on a bill, and that hasn't happened in this body. And so while I reluctantly would like to change precedent, I do understand they're going with the spirit--

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

**WAYNE:** --of the rule and I appreciate that. Thank you. I was about to call you Your Honor. Sorry about that. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I agree with, I think, everything Senator Wayne said. Most everything I heard that he said, and I agree with Senator Hunt's statements before. It was my

recollection you could yield to questions. And I, I think it is important to maintain a civil tone in this conversation in respect for everybody in every position. As Senator Moser said, we were all elected by the 41,000 or so residents, maybe 10,000 votes if you're as popular as Senator Moser. But so I rise in opposition to the motion to overrule the Chair. And just so everybody knows what-- where we're at here. So there's the bill is on the board and there's a motion to indefinitely postpone the bill. And what that means is that is a serious motion. Just because if you don't like it doesn't mean it is only procedural. Senator Hunt is very clear about her position, and I agree with it, which is that this bill should be indefinitely postponed and not be taken up again. And so this is not a procedural motion to take up time, this is a serious question about whether this bill is something that should be considered by this body. And so calling the question when there were, say, 30 people in the queue and only five of them had spoken on something of such consequence to the issue, I think is out of order. And so there's a saying that I've said before, and I know Senator Erdman has said before on the microphone here, when the law is on your side, you hit the law. When the facts are on your side, you hit the facts. And when the-- when neither is on your side, you hit your desk. And so that's what we're doing here is I got up my first time talking and talked about the law. I talked about the constitutional analysis from the Eighth Circuit. I talked about the district court in the state of Arkansas. And I got into some of that conversation and didn't get to get to all of it. The, the law is on my side and I want to have that conversation, that debate about whether this bill is in order at this time because my argument about whether or not this law is constitutional and a similar almost exact same law from another state in the same circuit has been found to be unconstitutional is extremely relevant to the debate about whether or not we should indefinitely postpone this bill. Senator Dungan got up and carried on that conversation as well, but he didn't get to do it until we were on the question of overruling the Chair, which means we didn't even get to have a second part of the conversation about what-- that particular argument. That is clearly not full and fair debate. And the debate is being stifled here once again, as has been happening across this Legislature this entire session. We've seen people not being allowed to ask questions in committee. We've seen people not being allowed to ask questions on the floor. We've seen habitual calling of the question on serious conversations that people disagree with then being fundamental conversations. But that doesn't mean that they are not a complete conversation. I have decided that this is what I wanted to talk about and what is a substance that I think I can contribute to this debate, but also a conversation I want to have and

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illustrate to the rest of you why I agree with this indefinite postpone motion. But I additionally want to hear from others about the facts. I said the law, the facts, and when neither is on your side. The law is on my side and I want to talk about it, but I want to hear from others about where they think the facts lie in this case and why we should have a conversation about postponing this bill, taking it off of consideration for the rest of this session. This is a serious conversation and it should be given serious time. We shouldn't move on from something just because you don't agree with it. And so the motion--

**KELLY:** One minute.

**J. CAVANAUGH:** --on the board right now is one to overrule the Chair. Was that my one minute, Mr. President? How much time do I have, Mr. President? OK. Thank you. And so the motion on the board right now is to overrule the Chair. You should vote against the motion to overrule the Chair so that we can continue the substantive debate about this bill. We should not hide behind procedural motions in this quagmire that we are now stuck in about whether or not people can yield to-- we almost had a motion to overrule the Chair subsequent to a motion to overrule the Chair. That's where we've gotten because people don't want to talk about the substance of this bill because they know that this bill does not stand to the scrutiny of that substance. It's wrong on the facts. It's wrong on the law. It's wrong for the state of Nebraska. So vote against the motion to overrule the Chair. If we get past that vote against the call of the question and ultimately vote for the motion to indefinitely postpone this bill and then we can move on to other bills in this legislative session. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I oppose the overruling of the Chair and I oppose LB574. I rose because I thought it was pretty interesting during this debate so far that there's been mentions of juveniles developing at a certain age and those type of things. And why I find it interesting is a lot of people that say this support bills to prosecute 12-year-olds and 13-year-olds that aren't fully developed. So if we're going to pull the card that we should wait for kids to fully develop, we need to pull the card across the board, especially when we talk about juvenile justice and criminal justice related issues. We can't on one hand say, kids, we need to slow down. Kids need to develop and make sure they, they understand what they're

doing and making sure we take into account the science. So if we're doing that, then on juvenile justice related bills, we shouldn't be trying to prosecute 12-year-olds. We should be taking into account that they should be tried as juveniles first instead of adults because they're juveniles and they need to develop properly. That's what we should do. So I am hopeful, and I'll be surprised, but I am hopeful that people will keep that same stance across this debate, across any other debate, across anything that talks about juveniles and kids. If we're going to pull the card that they have to be fully developed to make these type of decisions or any decisions in life because their brains don't develop until a certain period of time, then when it comes to juvenile justice related issues, we should not be trying to prosecute them as adults. We should be trying them as juveniles first, ensuring that they get the proper care that they need instead of throwing them to the State Penitentiary with grown men and women. That is what I need you guys to think about. So when you stand up and talk about we need to wait for kids to develop, hold that same line when we're later in the session and we're talking about criminal justice related bills and juveniles being tried as adults. If we're going to say that juveniles are juveniles and we need to let kids grow and we need to let them fully develop as human beings, keep the same energy for, for, for criminal justice related issues. I just personally just am opposed to discrimination across the board. I think we should, you know, not be discriminating against people. It, it makes no sense to me that in 2023 we're still having conversations about ending discrimination in the United States of America. It, it's-- but we advertise ourselves as the greatest country in the world that actively discriminate-- discriminates against a lot of people. But just remember, if you stand up and say respect the science and all these things about kids need to grow, keep the same energy for juvenile justice and criminal justice related bills, and call all your county attorney and cop friends and say, no, we cannot prosecute 12-year-olds. We have to wait for them to grow. Thank you.

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

**WALZ:** Thank you, Mr. President, and good morning, colleagues. I stand in opposition to overruling the Chair because I, I think that debate and educating ourselves is really important. It's important for me to educate myself on the issues. I understand that this is a very personal and sensitive issue. And I did have the opportunity to sit on the HHS Committee and had the opportunity to listen to testifiers coming in on both sides of the issue. When I first started in the Legislature, my constituents would come up to me and they'd say, how do you like your new job? And I said, I love my job. Other than the

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pay, I love my job. But I told them that I was a little surprised about debate. Actually, my first year ever, I was dumbfounded because I would look around and during the debate, a lot of the senators had left the floor. And I wondered how in the world can so many senators leave the floor and not want to learn or be educated about the issue? How can they make up their minds if they're not here and listening to the debate? To me, debate is education. There have been many times that I've changed my mind on an issue because I had taken the time to listen and to be educated about the issue on the floor. And I changed my mind. And I think it's OK to change your mind. Sometimes there's a negative-- some type of negativity if you change your mind for some reason, but I think it's a good thing. Opening your mind to different perspectives and different opinions and listening to both sides of an issue is one of the most important parts of my job as a representative and having the opportunity to listen and think about how a bill affects the state or the people of the state is in my mind, my number one job priority. It's one of my number one job skills that I have. And again, if I change my mind, that's OK. It means that I'm making a thoughtful decision based on what I've heard, based on what I've educated myself on. I think we as a body should take the time to listen and learn. And again, for that reason, I stand in opposition of the motion to overrule the Chair. Thank you, Mr. President.

**KELLY:** Thank you, Senators. Senators Blood, Raybould, Day, Fredrickson, Hunt, Slama, Dungan, and Machaela Cavanaugh have all spoken once to the issue so I will recognize-- the Chair recognizes Senator Wishart and Senator Slama will be recognized to close when there's no one else in the queue. Senator Wishart.

**WISHART:** Thank you, Mr. President. I rise today in opposition of the motion to overrule the Chair. I have been around this legislative body since I was 24 years old as a staff member and then as a senator. And it is rare that I have seen a legislative body overrule a Chair. Colleagues, I cannot express enough how big a deal it is to take a vote on this issue. We are setting a significant precedent and one that previous Legislatures looked very carefully upon. It takes, and I'm sure you're all recognizing this, a significant amount of patience and discipline to serve in this role as a senator. And sometimes that means that even though we care deeply about a piece of legislation that we want to see passed, that we don't throw out the rules in order to see that success. Because in the end, the rules is what we all have that bind us together on a platform of trust so that we can progress and work on some of these very challenging and complicated issues like with LB574. I understand the desire to move forward on something you feel very passionately about. I have been there. I have sat in those

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shoes and, yet for the most part, when there is an issue I care deeply about and there is a opportunity to overrule the Chair, I have chosen to support the process in this institution over my own goals in terms of policy moving forward. And I would really encourage this body to, to think that through before setting a precedent that I think we'll look back on and, and deeply regret. Thank you, Mr. President.

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

**SLAMA:** Thank you, Mr. President. And thank you, everybody, for the thoughtful debate this morning. I'm, I'm not going to take up my full time for my close, but I'd just like to note again why I brought this motion and why we're in the position we are. Everybody has now had at least one time to speak. Some people have had up to three times to speak on the IPP or the question of calling the question. Debate has revolved around the bill itself. Some of it has, yes, dealt with procedure, which I think is appropriate for the IPP. But I think that if we're going to have time to debate in good faith on compromises that could be attached to this bill, we must move to overrule the Chair, handle the IPP, and move on with debate. That is why I brought the motion. This is so that we can have a substantive debate on the baseline bill, rather than being stuck on an IPP that doesn't even allow us to consider changes to the bill. So with that, I would encourage your green vote on a motion to overrule the Chair. Thank you, Mr. President.

**KELLY:** Thank you, Senator. The question is, shall the Chair be-- there's a request for the call of the house, shall the Chair be overruled? There's been a request for a call of the house. Senators, please return to your chair and record your presence. 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, 3 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused senators are present. The question is, shall the Chair be overruled? All those in favor vote aye; all those opposed vote nay. Roll call requested. Mr. Clerk. Regular order.

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**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese not voting. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan not voting. 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 voting no. Vote is 27 ayes, 16 nays, Mr. President, on the motion to overrule the Chair.

**KELLY:** The Chair is overruled. Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those-- roll call. Mr. Clerk.

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



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voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 28 ayes, 15 nays, Mr. President, to cease debate.

**KELLY:** Debate does cease. Senator Hunt, you're recognized to close on your motion. For what purpose do you rise, Senator? Thank you. Senator Hunt, you're recognized to close.

**HUNT:** Thank you, Mr. President. I was looking around the room at all of you to see if there was a conservative, an adult in the room, a statesperson, someone who respects the institution, someone who's trying to be a moderate and get us back on track. If there was anybody who is going to make a motion to reconsider the vote we've taken. If there's anybody who wanted to reconsider that. Because what just happened, colleagues, is the most insane precedent I have ever experienced in this body, which is we had, like, five people talk on a motion with about three hours of people in the queue to speak. Senator Slama used her first opportunity to speak to call the question on the motion that only a few people had even gotten to speak on. The Chair rightly said no, no, no. We have not had everybody have a chance to speak yet. And she motioned to overrule the Chair, which is fine and fair, cool, makes sense. That's her prerogative. That's in the rules. That's fine. And all of you went along with it. Who runs this body? Who's making the decisions for you? Are you guys proud of yourselves? Do you think you're comporting yourselves as statespeople? Do you think that you're giving the respect to this institution that you were sent here to preserve? So now we've got a great new precedent. Great job, guys. Good work. Well done, colleagues. Now when four or five or six people have spoken on a motion or an amendment or a bill, however dilatory you might think it is, however substantive it may actually be, now we have a precedent that somebody can call the question and steamroll three hours of debate. Well done. Mr. President, am I allowed to ask anybody questions on this time?

**KELLY:** Yes, you are, Senator.

**HUNT:** Senator Hughes, would you yield to a question?

**HUGHES:** Sure.

**KELLY:** Senator Hughes, will you yield?

**HUGHES:** Yes.

**HUNT:** Thank you, Senator. Do you understand that the vote that you just took makes it so after five people have spoken on any matter

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before us, we can rule that full and fair debate has happened? Did you understand that when you made that vote?

**HUGHES:** I was looking at this as we would move on from the IPP. I would like to debate the bill at hand, the LB574, and so I thought it would move onto that.

**HUNT:** Do you think that, do you think that five people speaking is enough people who would like to weigh in, speak to their constituents, make points to the rest of the body about their feelings on that motion?

**HUGHES:** And that was for the motion to--

**HUNT:** To indefinitely postpone.

**HUGHES:** --indefinitely postpone.

**HUNT:** Do you think there are conservatives in the queue who wanted to speak to that motion, who didn't get to or are you just--

**HUGHES:** There might have been.

**HUNT:** --on team Slama and that's how you're making decisions here in the body?

**HUGHES:** I would not call myself team Slama. No.

**HUNT:** OK. Thank you, Senator Hughes. I would ask the same question of all of you who voted for that motion to overrule the Chair. We are in a procedural quagmire because of Senator Slama. And as long as we are in this, we are not debating the hate that Senator Kathleen Kauth is trying to put into statute. We can speak on the bill. We can speak on, you know--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President-- we can speak about what the bill actually does. And people certainly are. And that's typical when there's different motions up on the board. People do speak to the underlying bill. But five people getting to speak to their constituents, speak to Nebraskans on the most controversial bill of this session with everything we have at stake, a lot of you don't know your role in this body. But the thing that you can do is always look at the rules, look at precedent, and ask yourself what the right thing to do is. Don't just look around and say, oh, here's somebody I like

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who's doing the same thing. You can't think that way. You're allowing yourselves to be controlled just as you're trying to control the children and families of this state. But who really owns you when you're doing that? Thank you, Mr. President.

**KELLY:** That's your time, Senator. The question is to indefinitely postpone LB574. All those in favor record-- vote aye; all those opposed vote nay. Request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. 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 Geist 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 Jacobsen 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 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 voting yes. Vote is 13 ayes, 31 nays, Mr. President, to IPP.

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

**CLERK:** Mr. President, amendments to be printed: Senator Kauth to LB574, and Senator Cavanaugh motions to be printed to LB574 as well. Additionally, Senator Hunt, a motion to LB574. Name adds: Senator McDonnell, name added to LB511, Senator Bostar to LB736. Finally, Mr. President, priority motion, Senator John Cavanaugh would move to adjourn the body until Wednesday, March 22, 2023, at 9:00 a.m.

**KELLY:** The question is, shall the body adjourn? All those in favor say aye. All those opposed, nay. We are adjourned.