

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 13, 2023

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

ERDMAN: Let us pray. Father, we thank you for this opportunity to enjoy the seasons and we especially thank you for spring when all things are becoming new. We appreciate that. We pray you be with those who are protecting us, those who are serving our country. Give them safety. Lord, we seem to have lost our way in this country. And your word says, if my people who are called by my name shall humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven. I will forgive their sin and I will heal their land. So, Lord, we confess our sins today. Ask you to forgive those and heal our land. We thank you for the opportunity that we had this last Sunday to celebrate your resurrection, where you paid the price for our sins and in your word says that you gave your only begotten son that whosoever believeth in him shall not perish, but have everlasting life. So we pray that you would help our unbelief. In Jesus' name, Amen.

KELLY: I recognize Speaker Arch for the Pledge of Allegiance.

ARCH: 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 sixty-first 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. New resolution, LR94, from Senator Holdcroft. That will be laid over. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. First item on the agenda, please.

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CLERK: Mr. President, first item, LB574. I have no E&R amendments. Senator Megan Hunt would move to bracket LB574 until June 2, 2023.

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

HUNT: Thank you, Mr. President. Today I-- surprising no one, I was up pretty late last night thinking about today, thinking about yesterday, thinking about the state of this Legislature. And what I really want to share and convey today are some thoughts for the parents and grandparents and caregivers and loved ones of trans and gender-expansive and LGBTQ kids in Nebraska, whether those kids are under 19 or who are adults. I know that these are kids that we all care about. And I want to speak to the trans youth of Nebraska. I want to speak to all of you and the seven or eight of you who are in the middle who, who voted for cloture on General File, but who don't like this bill and who I'd like to convince to make it go away so we can move on with this session. And I'd like to speak to those of you who have your minds made up to make the choice to legalize this kind of discrimination and hatred and bigotry against not just kids, but that expands to the entire LGBTQ community in Nebraska. So let me talk to the parents and grandparents and loved ones and caregivers of the people that would be affected by LB574. I want to offer you words of love and support and reassurance. And I understand that learning that your child is trans or gender expansive or anything other than what you expected can be overwhelming and challenging, and it can be really difficult to know where to turn to for guidance and support. But I want you to know that you're not alone. There's a whole community of people out there who see you, who accept you, who hear you, who stand with you, and who are going through the same thing that you're going through with your family. And I absolutely acknowledge that it can be difficult to navigate the journey of having a child who identifies as trans. It's not a journey that you expected or that you planned for, but we're all here because we love our children and we want to support them. Remember that your child is still the same person that they've always been even if their gender identity is different from what you expected. They still have the same likes and dislikes. They have the same sense of humor. They have the same unique personality that makes them who they are. What's changed is the understanding of who they are and what feels true to them. It's important that you listen to your child and let them guide you in their journey for their life because your child knows themselves best and they need your love and support to be able to explore and express their true selves. They're not going through a phase or seeking attention. They're simply expressing their authentic selves. And you might have many questions about what this means for your child, your family, and your future and your community

and that's OK. It's important to educate yourself, to seek out information from reputable sources, from the American Medical Association, from the pediatric association, from the psychological association. All of these organizations have resources that can help you learn and accept what it means to have a child who is gender expansive. Talk to other parents of trans kids who have been through similar experiences. Your child is simply different and that's OK. Trans individuals have always existed and they will continue to exist and they are just as valuable and deserving of love as everybody else. Also, as a parent, it's natural and normal to want to protect your child from harm. But in this case, protecting your kid means accepting them for who they are and supporting them on their journey. You are not responsible for your child's gender identity. None of this is because of you, but you are responsible for how you respond to it. One of the most important things you can do for your kid is be an advocate for them no matter what and that means speaking up when you encounter discrimination or ignorance and educating others about what it means. It also means advocating for policies and laws that protect the rights of transgender people. I know that it can be hard to see your child face discrimination and prejudice from lawmakers in this room, but it's important to remember that your child is not alone and there are many people out there who are fighting for a more just and equitable world for them to grow up in. Just by standing with your child and loving them and supporting them and wanting the best for them, you are making a difference and you're helping to create a better future for all trans youth and all LGBTQ people in our society. It's also important to remember that your child needs your love and support now more than ever. Trans kids can face incredibly high rates of bullying from lawmakers, from adults, from people who just don't understand what they're going through. They can face discrimination and even violence, which can have a serious effect on their physical and mental health. But by affirming your child and providing a safe and supportive home, you can make a huge difference in their lives. I know that you might be worried about how society will view your child or how their transition will impact their future, but please remember that your child's well-being and happiness and life always has to come first. Of course, supporting your child as they come out can also bring up a lot of feelings of grief and loss and confusion. And it's normal and OK to mourn the future that you thought your child would have or to feel uncertain about how your relationship with them will change. But to your child, just support them. Just love them. Just make sure that they know that you are there for them no matter what. Your child is still the same person you've always loved, just with a better understanding of who they are, and that's what we want for all

of our children. However they identify, whoever they are, every single one of us wants to have a relationship with our children where they feel comfortable telling us who they are, where they don't feel like they have to hide things from us. So parents, grandparents, aunts and uncles, teachers, caregivers, and anybody who cares for trans youth in Nebraska or who's watching this anywhere, just the fact that they've revealed this about themselves to you, that they have given you the gift of allowing you to know them as they are, you should feel proud of that. You should feel proud of that. And maybe you have a struggle ahead of you. Maybe you don't know what this means for your family. But I can tell you one thing I know it means, which is that your child feels safe with you and your child trusts you. In a world where so many kids who come out end up on the street, rejected by their families, who are targeted for violence, discrimination, if you have built a home where your child can tell you who they are without fear, you're winning. You're coming out way ahead of the curve. But this is how it should be for all kids. I want to also address some of the fears that you may have about your child's safety. By connecting with other parents of trans kids, you can build a community of support of people who understand what you're going through and who can offer advice and support. Ultimately, I want you to know that your love and acceptance can make a world of difference in your child's life. By standing with them and affirming their identity, you're sending a powerful message that they are valued and loved for who they are. You just have to keep an open mind, educate yourself, and seek out support when you need it too.

KELLY: One minute.

HUNT: Thank you, Mr. President. To me, this is the most consequential bill of this session, partially because I actually have hope for this bill. I have hope that we can block this. I have hope that we can make lawmakers here see the long-term effects of what a law like this can do to kids, can do to young adults as they grow up, the long-term effects that passing discriminatory laws like this has on our society. We're not moving backward, guys. We're not going to go that direction. Today as we debate, as we talk about this bill, we have four hours. I would like you to imagine the trans kids that are watching this and speak with compassion, speak mindfully.

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

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KELLY: Thank you, Senator Hunt. Senator Fredrickson, you are recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. And thank you, Senator Hunt, for those, for those thoughts and those reflections. I, I rise today in continued opposition to LB574. And, you know, I was thinking last night when I got back to my hotel room, which I thought was kind of funny. I was assigned room 626. So that was the number of the bill yesterday, so that was an interesting little play of the fates. But, you know, this-- waking up this morning, it was hard to come back after a long day yesterday and to come back for this. And I feel that the conversation around this has become so toxic. And I don't know if there's a way back from that or not, but one thing I want to kind of maybe try to appeal to is a bigger picture here of what this law does. Trans youth have been the focus of this conversation and, you know, obviously, understandably so because that's the context of the bill. But I want us to think really hard about kind of the bigger picture here and a wider perspective here of what this bill does. This bill might seem OK to you because you may or may not have a trans person in your life, but we really need to consider the precedent that this sets. With this bill, we are saying that the government can overrule the parents. And there might not be anything in the hopper right now, but think about in 10, 20, 30, 40, 50 years if another bill is introduced-- may be related to a vaccine, may be related to any type of medical intervention-- and we refer back to LB574 as precedent that says, no, the Legislature has deemed that, yes, the government can overrule parental choice. We haven't done this before and I don't think we should start now. Just because a marginalized group has been targeted, we can't turn a blind eye and think that this doesn't impact everyone in Nebraska.

KELLY: One minute.

FREDRICKSON: Because, yes, this is trans youth today and these families today, but what is it in 10, 20, 30 or 40 years? We can have our own opinions about the bill, the-- we can have our own opinions about gender-affirming care. But again, I think we-- the focus on trans youth, I think, is a little bit of a distraction to the bigger overarching picture of the function of this bill, which is to say that the Legislature can overrule a parent's right in their child's healthcare decisions. Thank you, Mr. President.

KELLY: Thank you, Senator Fredrickson. Senator John Cavanaugh, you are recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I rise in support of the bracket motion and opposed to the underlying bill, and I would echo the comments of Senator Hunt and Senator Fredrickson. And as you all know, I don't like, I guess, talking about my personal feelings a lot. I like to talk about the things that make-- that my, my comfort, comfort space on these issues, which is the law and the legal interpretations. And so I wanted to go back and revisit-- on the last round of debate, we talked about this similar bill that was passed in the state of Arkansas, was vetoed by the Republican governor of the state of Arkansas, and then the Legislature there overrode that veto. Had same restrictions on parental rights and medical decision-making for families that this bill presents. And those families appealed to the courts and the district court in Arkansas found-- imposed a temporary restraining order denying the law going into effect before it went into effect on the grounds that, one, those families were likely to prevail at trial, and, two, on the grounds that it was-- they were harmed because it discriminated. And the last round, I talked about discrimination, where I know people get-- kind of can shut down if you say that their actions are discriminatory because people don't want to be framed that way. But when we talk about discrimination in this context, we're talking about the fact that the, the law seeks-- this bill and the law in Arkansas seeks to discriminate in outcomes based off of a person's sex at birth. And so we've talked about this bill a lot so I know everybody knows this, but I want to put it as clearly as I can. This bill, like the Arkansas law, prevents someone from receiving medical care based off of their sex. So it is not about the safety, the efficacy, the reliability of these medical procedures because they are still approved for someone of one sex, but not of the other. What it does do, it denies access to medical care because the outcome of that medical care is one that some people disagree with and that is not the basis for a law and that is the nature of discrimination. And so when we are trying to enact a law that discriminates based off of someone's opinion about what they think, how someone should be living their life, that's wrong and we shouldn't be doing it. And that's why the district court in Arkansas has issued that temporary restraining order and that's why the Eighth Circuit upheld that restraining order and the full Eighth Circuit reviewed it and left that restraining order in place. There was a trial at the district court level in Arkansas in October, November or December of last year and we're awaiting that Opinion. But this is particularly relevant to this conversation because, one, the law in Arkansas is so similar to the one here, and, two, that we are in the Eighth Circuit. And so whatever happens there, that's the same federal circuit that a case in Nebraska would be appealed to. So that's, I

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think, something we should be cognizant of as we consider this. But the other part of this is there's been a conversation about--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President. There's been a conversation about a potential amendment to this bill that would limit this only to surgery. That amendment has the same problems in discrimination, in outcomes as the underlying bill, meaning that the surgery that we're-- we would be banning is one that's still approved for someone, is still effective, still safe for someone, regardless of their sex assigned at birth. But we are making sure that-- we are determining that it's not available to someone based off of the outcome that we as legislators think is appropriate. And so it would fail the same test as the underlying law on the constitutional basis of discrimination in the federal court. And so I again am opposed to LB574, in support of the bracket motion and I would encourage your red vote on this underlying bill and your red vote on cloture as well when we get to that time. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I rise today opposed to LB574 and in favor of the bracket motion. I was thinking a lot about, well, a number of things this morning. I think we're going to be having a long and hopefully vigorous debate about this. But as I was coming to work this morning, I was thinking about the difference between empathy and sympathy. And we hear those words often conflated, but they have two very distinct meanings. Empathy is shown in how much compassion and understanding we give to another person. Sympathy, on the other hand, is more of a feeling of pity for another person. Empathy is our ability to understand how someone feels while sympathy is our relief that we are not having the same problems that somebody else is having. In the conversations that I've had with a number of folks about LB574, I hear time and time again that the people I speak with feel bad for these kids or that they feel bad for their families or that they feel bad that this is happening. And it seems to me that the bulk of what they're feeling is sympathy, that they feel so bad that these things are happening and they want to help. And I genuinely believe that a lot of the folks I've talked to in this body about LB574 want to do good and that they want to help. I do not believe that the vast majority of people supporting LB574 are malicious. But I believe that their desire to help is predicated on this notion of feeling bad for somebody else when in reality, what I

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think we should be doing and what I am asking my colleagues to consider and to think about is be empathetic to what's happening. And what I mean by that is listen to the stories you're hearing from the kids that are affected by LB574. Listen to the personal experiences and the stories of the families of people that are affected by LB574. I had an opportunity-- and I think I talked about this on General File-- to go and do a listening session with a number of youth in the LGBT community and specifically trans youth and their families. And this was not intended for me to go and lobby and figure out what they thought. It was intended for me to go and listen to their concerns, how they feel about this bill, how they feel about other bills that pertain to them. And the fear and anger and the frustration were palpable in the room. And it was just my wish and my desire that so many of my colleagues who want to help, who are doing these things because they feel bad for these families and they feel bad for these kids, could be there and listen to the concerns and the fears that they have. We're talking about youth under the age of 16 saying, I love Nebraska and I wish I could stay here. I was born and raised here, but I feel like I have to leave because I don't feel supported and not even supported, because I don't feel safe. And that desire to leave is one of the things that we as a Legislature have worked so hard to try to abate. Whether it's through incentive programs or tax cuts or whatever it may be, we have worked hard and tirelessly to encourage people to stay in Nebraska, to come to Nebraska. And yet legislation like this is making people say out loud to my face-- this is not hypothetical-- I wish I could stay, but I feel like I have to leave. I have received email upon email from families of trans youth, from people in the LGBT community saying that they want to stay, but they feel like they can't. And so, colleagues, I hope and I trust that we're going to continue to talk today and I--

KELLY: One minute.

DUNGAN: Thank you, Mr. President. I'm going to talk more about the law because I believe my rowmate, Senator John Cavanaugh, started to address a number of the issues with this bill, which I do believe is entirely unconstitutional. I do believe that it violates equal protection, due process and First Amendment clauses. But I also hope you listen to what people have been saying to you. And I do not think that you are malicious. I think you are trying to help, but please listen. Don't be sympathetic. Don't pity people. Be empathetic and understand where people are coming from. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans who really want to make Nebraska a more welcoming state. We need your help and support on this piece of legislation. And to my colleagues who I know care about this issue, but I have heard from some families of trans youth that several of my colleagues here wouldn't even talk to them and, and be empathetic and hear their concerns as parents. You know, if your child were trans, you would do everything you can. You would go to any state you can to make sure that they got the medically recommended care they need. So I wanted to talk briefly about the recent report that came out of SAMHSA. SAMHSA is the Substance Abuse and Mental Health Services Administration out of the United States Department of Health and Human Services. The state of Nebraska gets tremendous amounts of grant funding from SAMHSA and it's really considered the guidance and guidelines for mental health practitioners in our state of Nebraska. In the recent guidelines that came out in March of 2023, it talks about gender-affirming care is supported by extensive research, research and based on the individual child's or adolescent needs, they may be medically necessary. Evidence has demonstrated mental health benefits associated with receipt of gender-affirming care, such as reduced depression-- has reduced depression and decreased risk for suicide. It goes on to say that policies that seek to categorically ban gender-affirming medical care or penalize our providers, parents and caregivers who provide or seek gender-affirming medical care pose serious risks. Prohibitions on or penalties for providing or seeking out medically necessary and therapeutically indicated best practices place behavioral health and medical providers and parents and caregivers in situations that conflict with evidence-based professional guidelines, ethics and standards. The lack of access to such care poses serious behavioral health risk to youth of diverse sexual orientation and/or gender identity and their families, parents and caregivers, such as an increase in the risk of suicide, depression and trauma. And so I know since a number of you oftentimes don't listen to several of us who speak on the floor, but I know there's some of you do, and I know Nebraskans listen to this, I had read a letter from a mother, a Christian woman in Texas, and I just wanted to read it again. She's a parent of a precocious transgender daughter. So here we are-- these are her words-- here we are in a public health community meeting in Texas, where we set the record for having the highest number and the highest rate of uninsured people in the country. But what are we talking about today? Trying to ban medical care that every major medical association endorses, trying to take away treatment from poor kids and adolescents in the foster care system by barring the use of public funds for this care instead of

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fixing that child welfare system. You're taking actions that could cause real harm to these youth, but you don't care because you're convinced that you know better than parents and specialists and transgender people themselves. And it appears you even think you know better than our Creator himself. Our daughter was created in God's image for a good purpose and her being transgender gives her a unique perspective to serve the world in the body she travels in, but it's also a temporary home for the beautiful soul that she carries. As a small child, my daughter told us she needed ten hugs.

KELLY: One minute.

RAYBOULD: Thank you, Mr. President. As a small child, my daughter told us she needed ten hugs a day to be happy. By adolescence, she was so uncomfortable in her own skin we had to ask permission to touch her. The young woman who now says that her loving-- love language is touch couldn't bear to be touched for years. As a parent, I have witnessed what life-saving medical care did for her. She is now joyfully into who God created her to be and hugs back in abundance. We have the right to obtain appropriate medical-- sorry, we had the right to obtain appropriate medical care for her and we did because we were smart enough, informed enough and diligent enough to do so. I don't need you to protect my child. I'm trying to protect my kid from you. So I ask my colleagues, please do the right thing today. We must oppose LB574. We need to be a more welcoming state of our beautiful diversity and God's creations.

KELLY: Thank you, Senator Raybould. Senator Day, you are recognized to speak.

DAY: Thank you, Mr. President. I agree with Senator Hunt's words earlier about making sure that we are careful about what we are talking about today. There are a lot of kids watching. There's a lot of parents watching and they're already in an enormous amount of pain. And so for today, I wanted to center the stories from those parents and from those kids, testimonies that they have sent us and also testimony from the committee hearing, which I sat in in the Health and Human Services Committee. The first one comes from Tony Anderson, who is in District 15. As a pastor, a father and an ally of the LGBTQ community, I wholeheartedly oppose LB574. I oppose it not only on the grounds that denying gender-affirming care to trans kids leads to many of them feeling hopeless, depressed and suicidal, but even more so on the grounds that the state has no right to interfere with medical decisions made by patients and their parents or guardians in consultation with their medical practitioners. Gender-affirming care

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specialists, parents and the kids themselves know far better than any lawmaker what is best for them and what treatment will allow them to live their best lives. By banning surgical procedures, you are creating a solution to a problem that does not exist in order to stoke fear and hatred of transgender individuals. It is already exceedingly rare and not a best practice for any licensed medical professional to perform genital surgical procedures on transgender minors. In the rare instance that it may happen, it should be the right of the individual to make that decision. I don't see any language in the bill that suggests we should ban breast augmentation or rhinoplasty for cisgender teens. Why is that, I wonder? In the case of puberty blockers, they have been used for decades. They are reversible and they are known to be safe and effective at helping trans youth deal with their dysphoria. Additionally, hormone replacement therapy should be an option for any trans youth who make the decision to start it in consultation with qualified gender care specialists. The American Medical Association, the American Psychiatric Association, the American Academy of Pediatrics, the Pediatric Endocrine Society, and the American Psychological Association all support gender-affirming care for transgender youth in consultation with their parents and their healthcare providers. How is it that the state of Nebraska thinks that they know what is better for trans youth than all those healthcare professionals and the patients that they care for? It is clear in reading the language of this bill that those who wrote it are calling into question or outright denying the validity of transgender people's lived experience and the mountains of evidence that support accepted models of gender-affirming care. Denying the existence of transgender people and denying their access to medical treatment will not make transgender people go away, but it will make many suffer needlessly. If this bill passes, their suffering will be at the hands of all who voted for it. Even if you don't care about the suffering of transgender folks, if you truly care about individual liberty and freedom and you truly value patients' rights and parental rights in our state, then the only conclusion that you can come to is that LB574 is government overreach and it is wrong. Denying the rights of some calls into question the rights of all. I hope and pray that you will do the right thing and vote no on this bill. Sincerely, the Reverend Tony Anderson.

KELLY: One minute.

DAY: Thank you, Mr. President. The second is from Rachel Ogburn, who testified in committee in opposition to LB574. Her testimony reads, my name is Rachel Ogborn. And she was in tears already. Sorry, I'm a little emotional after that last testimony, but anyway, it's important

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to hear from the families that will be affected from this bill and my family is one of them. I have to say that I never thought I would be driving to the Capitol to share my child's medical information with senators or with anyone, for that matter. I do feel very scared and vulnerable today, but I'm here so I don't lose my child. I know that sounds extreme, but so is this bill. Receiving gender-affirming care from licensed professionals has saved my child's life. I'm so sorry. I'm struggling. Senator Hansen said, just take your time. It's fine.

KELLY: That's your time, Senator.

DAY: Thank you, Mr. President.

KELLY: Thank you, Senator Day. Senator Wishart, you are recognized to speak.

WISHART: Thank you, Mr. President. I rise in opposition to LB574 and I would yield my time to Senator Fredrickson.

KELLY: Senator Fredrickson, that's 4:45.

FREDRICKSON: Thank you, Mr. President, and thank you, Senator Wishart. So I want to kind of continue some of my remarks from earlier about kind of trying to refocus what we're talking about today and trying to think about bigger picture, what this is doing to parental rights. Being a parent is-- it's such an important job, and I cannot think of a more meaningful part of my life than being a dad. And I've been thinking a lot about what the role of a parent is. It's to love your child, to protect them, to nurture them, to provide for them. Their life will be hard regardless of what they-- who they are or what they go through. But if they're loved, they'll get through. We all do. Our job is to make sure they can grow into healthy and responsible adults. Colleagues, that's the same for parents of trans kids. They want what is best for their kids. They deserve that too. Yesterday, I was having a conversation with a colleague about LB626 and we also, and we were also talking about some-- you know, LB77, some other bills. And we were kind of acknowledging how, you know, Senator Albrecht's been working so hard on LB626 for I think it was like six or seven years to kind of get it where it is today. And I think the same can be said about Senator Linehan and her work on the Opportunity Scholarships. She's worked really hard on that for six or seven years. And, and Senator Brewer, with LB77, has worked extremely hard on that for six or seven years to get it where it is today. Colleagues, this is the first time we're seeing this bill in Nebraska. And frankly, this is the first year we're seeing a lot of these bills in the country. And a

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question I have is what's, what is the rush? Why does this need to pass this year? We've seen with Senator Albrecht, Senator Linehan, Senator Brewer's bills they, they worked really hard on these issues because they know-- they knew that these are consequential bills that have significant impact. And they took the time to work on those bills. I think we need to do the same with this one.

KELLY: One minute.

FREDRICKSON: We need to slow down a bit. You know, another thought I had this morning was it just-- it feels like the walls are getting higher and higher. And I'm sure my community feels that way, too, but here's what you need to remember. We can climb and we will climb. Thank you, Mr. President.

KELLY: Thank you, Senator Fredrickson. Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I thought hard on, on what I would want to talk about today. I do support Senator Hunt's motion to bracket. I agree with Senator Fredrickson. What is the hurry? Apparently, this is so much more important than so many other bills we have in the queue right now. But here is what I know: newborns, they aren't born knowing what it means to be a girl or a boy. A doctor or whoever helps with that delivery will proclaim girl or boy based on that external genitalia. And then it's about pink and it's about blue and we tell little boys that they are tough and we tell little girls, oh, you're so pretty. And as they grow, they're influenced daily with social expectations and they're encouraged to, to be masculine, to be feminine, to be more ladylike, to man up. But if we've learned anything in this discussion, we know that gender does not exist in those binary terms. I think it's clear that gender is a spectrum and Nebraskans identify with varying degrees on that spectrum, be it feminine, masculine, and transgender people are part of that spectrum, but they identify as a gender that's different than one assigned at birth. Like it or not, our gender identity and how we express it is part of how we see ourselves and how we relate to the world around us. Social science continues to show us that when we have gender-affirming behavior as parents, as adults, as policymakers, we help to protect their mental health and we help them to feel safe here in Nebraska. And right now, they are not feeling safe because some of the-- because of some of the behavior that we have had on the floor during this debate. I personally choose today and every day to give unconditional love. I choose to be supportive of these families. I continue to call out transphobia when I see it and

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ask all of you to stand up and do the same. Accept their differences, validate their experiences, talk to them when they're in the Rotunda, pick up the phone, respond to the emails instead of their staff-- your staff. Share your love, share your empathy without obligation. Nebraska should have room for all, no matter who they are, where they live, what they look like, or how they identify. When we discuss things that you are uncomfortable with, we tend to have these dynamics of a us versus them narrative. But I just want to remind each and every one of you, for those of you that support this bill, that you are talking about people, about Nebraskans, about their families, about children and they are watching. We're not just talking about having empathy. We're asking you to show compassion. We're asking you to show support other choices, whether you agree with it or not. I don't see anybody challenging you because you choose to be heterosexual. You have that luxury. But every day, they get out of bed and they fight. They fight for who they are. They fight for their existence.

KELLY: One minute.

BLOOD: And I, for one, refuse to participate in the hate, refuse to push forward legislation that pushes forward hate. Because I, friends, am a compassionate and understanding Nebraska and I challenge you to do the same. Thank you, Mr. President.

KELLY: Thank you, Senator Blood. Mr. Clerk, for an announcement.

CLERK: Mr. President, the Appropriations Committee will have an Executive Session, 10:00 in Room 1307.

KELLY: Senator Clements, you are recognized to speak.

CLEMENTS: Thank you, Mr. President. I rise in support of LB574 again and appreciate the opportunity to support this. I would like to read a testimony from the hearing. My name is Scott Newgent. I'm a lesbian and 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 doesn't cure anything, but convincing you 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 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 and embrace their differences. With gender interventions, there are no pause buttons. Ten thousand complaints against Lupron, against precocious puberty. Testosterone is irres-- irreversible. Males on estrogen can be permanently sterilized in four months. Are you really going to listen to or take stock in the AAP that follows the WPATH, an entity that accepts eunuchs 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. 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 contagion started coming in, the Jazz Jennings and some different family--

KELLY: One minute.

CLEMENTS: --issues-- thank you-- I just kind of said, hey, you know what? Maybe I was born in the wrong body. That was just something that I was just 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 5 minutes, she looked at me and said, how long have you been wearing male clothing? Nobody would think that I was a man, but that sentence absolutely changed my life. So at

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42, if I wasn't able to navigate through this, you think that children with immature frontal lobes can? You're nuts. All of you are nuts if you think you can. And that was from Scott Newgent testifying at the hearing on LB574. And I think-- I support adults being able to choose what they want to do. But children who are minors, they're not mature enough yet. And I would like to--

KELLY: That's your time, Senator.

CLEMENTS: Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I'd like to start off with something a little lighthearted. My sister just sent me an article from The Atlantic about the health benefits of ice cream. So maybe when we have our ice cream day here, we can all enjoy the health benefits. Thought that was kind of a silly thing. I stand in opposition to LB574 and in support of motion 664 to bracket the bill. I stand up here to use my position of power to support those that don't have power, to use my position of power to be a voice for those that don't have power. I try to be a good steward of that power to the best of my ability. I try to lead with kindness and compassion and inclusivity. I try to show respect to the institution and to the service of the Legislature. This bill has challenged me in ways that I never anticipated being challenged in the Legislature. It has challenged me to stand up, stand up in a way I never thought that I would have to, stand up in a way I never thought that I would be able to do. It has challenged my belief system that people in public service have a servant heart. And I hope, I still hope-- Senator DeBoer did her thesis on hope once upon a time, in another life. And I'm grateful to her. She's talked to me about hope a lot over our first four years together. And Senator Walz has as well, and reminded me-- it's good to have touchstones to remind you of hope, to remind you of who you are and what you believe. And I still hope. I still hope today that colleagues will pay attention to what they are doing and what their vote means and that they will understand the irreparable harm that could come from moving a bill like this forward. That's what I'm hoping for today. I don't believe that anything I can say at this point is going to change anyone's mind. I know enough-- I'm not that foolish. I know enough to know that I'm not going to change anyone in here's mind. But I hope that they change their own minds. I hope that they find their own way through kindness and compassion and inclusivity, to stand by these trans children and show

them that the adults in the room are fighting for them and that we're not going to take away their parents' rights or their rights because they are a minority, vulnerable population. But that we--

KELLY: One minute.

M. CAVANAUGH: --will stand with them, stand by them. That we are not going to legislate away who they are, that we are not going to legislate away their existence. That is my hope for today. It is hard to hold on to faith and it is hard to hold on to hope. But I am going to try today. I am going to try. And to those that are watching in the trans and LGBTQ community, you are loved, you matter. You are important to me, and I will not go away. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Bostelman, you are recognized to speak.

BOSTELMAN: Thank you, Mr. President. I oppose the bracket motion. I yield the rest of my time to Senator Kauth.

KELLY: Senator Kauth, you have 4:53.

KAUTH: Thank you, Mr. President. LB574 is only about protecting kids, kids who are dealing with gender dysphoria. We are protecting them from experimental, irreversible medications and surgeries. The brain does not stop growing until the mid-20s. In Nebraska, you're considered an adult at age 19. We do not treat children the same as we treat adults. There are many instances where the state overrides parental decision making because some activities have been deemed not safe for children: tattoos, car seats, alcohol, smoking, helmets, even certain movies. This is an instance where these drugs and these surgeries are too harmful for kids with no proven benefit. This is about protecting children from dangerous consequences of decisions that they might make while they're dealing with stress and difficulty in their lives. Even Senator Hunt has acknowledged that teens are constantly changing their minds. Childhood and teen years are a time for trial and error, figuring out who you are. That changes frequently. And adults know that allowing children to make permanent life-changing decisions is unwise. There are real dangers with the puberty blockers and the cross-sex hormones. These medications have never had randomized controlled trials or been approved for use in children for the treatment of gender dysphoria. Stopping puberty when it is supposed to happen is not without consequence. We just don't have the details on what those consequences are. Puberty triggers a cascade of hormones that create changes in the brain and body.

Stopping those from happening will have ramifications. Without randomized controlled trials, there's no data showing that the risks outweigh those rewards. Hormones have significant risks: blood clots, heart problems, high triglycerides, high levels of potassium, prolactin, weight gain, high blood pressure, diabetes, stroke and infertility. Testosterone can also cause male pattern baldness, too many red blood cells, as well as pain and discomfort in the pelvis and the genitals. The World Professional Association for Transgender Health, WPATH, has been the leading proponent of affirmative care and treating younger and younger children with hormonal manipulations and surgeries to treat gender dysphoria. This organization is widely viewed as a political and advocacy effort rather than an organization analyzing research to provide guidance to physicians. Dr. Steven Levine, a psychiatrist and early proponent of transgender medical interventions, resigned his membership and chairmanship of WPATH because its recommendations had become dominated by politics and ideology rather than scientific process as it was years earlier. He condemned the standards of care as not an impartial or evidence-based document. He states that they do not tolerate alternate views and skepticism. Yet this is what is used to support gender transitions for children. I have had a continuous stream of doctors, psychiatrists, therapists, teachers and parents contacting me, telling me to keep going with this, that these medications are not healthy for children. In fact, one doctor texted me as we were speaking and said, they're talking as if all children are undoubtedly trans when they say they are. But there's no way to tell that someone is undoubtedly trans as a child. These medications and procedures are not healthy for children. That there is such a huge increase in gender dysphoria that accelerated in March of 2020, right when we sent kids home, made them afraid and gave them unfettered access to social media, should give us all cause for concern. Encouraging kids and their families to engage in therapy while their bodies and brains develop provides them the chance to understand more about their gender dysphoria. Brain development--

KELLY: One minute.

KAUTH: --is crit-- thank you, Mr. President. Brain development is critical. When kids are treated therapeutically rather than medically, approximately 85 percent will desist from gender dysphoria. But there is no way to identify who will and who will not. Countries around the world like Sweden, Finland, Norway, UK and now New Zealand who have been providing these prescriptions and surgeries to children for decades are now reversing their opinions. In my email communications with Dr. Kaltiala, the lead psychiatrist from Finland dealing with

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gender dysphoria, stated that only in extreme circumstances would they allow a child to receive puberty blockers or cross-sex hormones and then only in a research setting. Dr. Susan Bradley from Canada, who had been treating gender dysphoria in youth with hormonal manipulations like puberty blockers and cross-sex hormones for several decades now says, we were wrong. Locally, Dr. Ivan Abdouch was the OB-GYN member of the Omaha Gender Transition Team. This multi-disciplined group of medical pro--

KELLY: That's your time, Senator.

KAUTH: Thank you. I will continue later.

KELLY: Thank you, Senator Kauth. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. And good morning, colleagues. I rise in support of the bracket motion and in opposition to the underlying bill. I want to be clear at the outset about what's going on here today. Here we are yet another day, another attack on human rights, another attack on healthcare. That's the priority of this Legislature, and that's a disservice to this proud institution and our beloved Nebraska. Nebraskans-- Nebraskans are not crying out for this hateful, harmful, divisive measure. Nebraska doctors are not crying out for this hateful, harmful, divisive measure. In fact, the opposite. It is well-established this is a radical partisan playbook to foment hate, divisiveness and toxicity. And we have an opportunity to say no, and we should say no for a variety of reasons. Number one, we took an oath to a nonpartisan institution, but part of the reason it was created-- and it's such an honor to serve and protect and steward this institution-- the nonpartisan Unicameral Legislature was meant to insulate us from the divisive partisanship playing out on the national stage so that we could do the people's business closer to home, so that we could focus on the key issues impacting their farms and their kitchen tables and their schools and their small businesses. And when we take a page out of divisive national playbooks, we lose the opportunity to do the people's business closest to home and to honor our oath. We also took an oath to honor the Constitution. And that even means aspects we disagree with. And the Supreme Court has been clear, discrimination against LGBTQ people is discrimination on the basis of gender, and that includes sexual orientation and gender identity. This measure only targets trans youth. That's discrimination on its face and as applied. I continue to stand in support of human rights. I continue to stand in support of parental rights. I continue to stand in opposition to discrimination. And I ask you to do the

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same, to have a change of heart, to exercise your independent judgment and conscience and get back to the people's business. When you were out on the campaign trail, how many people asked you to help come solve problems? Most of them. How many promises did you make to roll up your sleeves, find common ground, seek consensus, and make a positive difference? Honor those promises. Honor those pleas from your constituents. Don't double down on a divisive, hateful national playbook that has no place in Nebraska. I believe that this is part of a broader problem in our politics, and one that drew me back into public life. Term limits, voter suppression and gerrymandering are not an accident. They're working as intended. But you know what else is a tool of suppression? Toxicity in our politics that foment hate and divisiveness. It gets good people to take their name out of the running for elective office. It gets--

KELLY: One minute.

CONRAD: --good people to sit on their hands and say, my vote doesn't matter and it's too much for my daily life. And then that perpetuates the hate and the brokenness. But we each can stand in our power, and should, and say enough is enough. Have the moral courage and compass to say enough is enough, and let's get back to doing the people's business. Let's turn away from a divisive national playbook. Let's end the toxicity in our politics. Let's set an example for each other, for our constituents and for our countrymen and women to say, not in Nebraska. We choose to focus on workforce. We choose to focus on working family. We choose to solve problems, because that's what we're sent here to do. And we can do it together. I'm honored to serve with you, and I'm eager to see that choice today that chooses hope, that chooses a saner path--

KELLY: That's your time, Senator.

CONRAD: --and that is in line with Nebraska values. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. Good morning. I listened to Senator Conrad make a statement that we took an oath to the institution. I don't know what oath she took, but I did not take an oath to the institution of the Unicameral. I did take an oath to uphold the Constitution of Nebraska and the United States. But I think those are separate issues. So she may have had a different oath given to her

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than I had. The other issue, Senator Fredrickson said that Senator Albrecht and Senator Brewer have worked for years on their bills. So then I would make an assumption that if this wasn't the first time we're hearing LB574, but we worked on it for years, then it would be acceptable. I'm reading between the lines, but that's the conclusion that I drew from his comments. So I was wondering if Senator Day would yield to a question.

KELLY: Senator Day does not appear to be here.

ERDMAN: How about Senator Raybould, will she yield to a question?

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

RAYBOULD: Yes.

ERDMAN: Senator Raybould, thank you. I have a question. Do some of these procedures render children incapable of fathering or birthing children as adults?

RAYBOULD: From the medical evidence that is presented with SAMHSA and other credible medical associations, the American Pediatric Society and probably about 15 other medical-- credited medical healthcare providers, shows that that is not the case, Senator, that it does do no harm to children. And that I just recently heard Senator Kauth say that these are irreversible.

ERDMAN: OK.

RAYBOULD: All the hormone treatments are completely reversible. Once-- if you quit taking the hormones--

ERDMAN: OK, thank you.

RAYBOULD: --you are restored.

ERDMAN: That's sufficient. Thank you. I knew you weren't going to answer the questions, anyway. That's fine. So let me just share with you what the research does say. Research shows that the benefits and harms of cross-sex medical treatment for minors, they say that it doesn't do no harm? Scientific evidence is not showing that cross-sex medical treatments are beneficial to children or adolescents. The research making these claims is not scientifically reliable. In fact, there's evidence of harmful-- of a harmful impact. Consequently, a growing number of scientific agencies do not recommend such treatment. Instead, they recommended counseling and watchful waiting for the

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gender-confused youth to work their way out of it. Many scientific agencies, both in the U.S. and international, do not recommend medical transition for youth because research claiming to show positive effects for the cross-sex hormones or surgery is methodologically flawed and not scientific, reliable. Watchful-- and in other words, reliable studies show harmful effects of this. Watchful waiting is the option recommended by many scientific agencies, and it means differing-- differing genders identifications for gender-confused children or youth for, for an extended period of time, which counseling can occur in natural distances and persist-- this, this-- distance and persistence process can play out and the child will work their way out of it. The other issue we always hear about is suicide will increase. OK, what does the research show about suicide in youth if you don't get to be-- if they don't become a transgender person? Research does show that the medical gender transition is necessary to prevent suicide. In fact, there is no evidence that this actually is true.

KELLY: One minute.

ERDMAN: Thank you. The transition procedure may increase suicide risk in gender-confused teens. So all of these claims that they're making about this does not affect youth and it does have harmful effects, the facts remain that the majority of these people, and we don't know if it's all of them, may never be able to father or birth children again. So there are adverse effects for these young people that they have no idea what the consequences will be later on in life. So therefore, I am strong support of LB574. Thank you.

KELLY: Thank you, Senator Erdman. Senator Blood announces a guest under the north balcony, Margaret Stamp of Plattsmouth. Please be stand and be recognized by your Nebraska Legislature. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. Back to some of our doctors locally. Dr. Ivan Abdouch, who's now retired, was a family physician member of the Omaha Gender Transition Team. This is a team that was formed in the '70s and it was designed to provide wraparound medical care for transsexuals. Dr. Abdouch shared that they wouldn't treat children because kids are still experimenting with their identity and they would only treat between 10 percent to 20 percent of those people who came to them, because when they did the psychological assessments and the behavioral studies, they realized that the majority of these adults who came to them were not truly transgender, but they were dealing with significant other mental health issues. Our own state

medical board has issued a statement saying they do not recommend hormonal manipulations or surgeries for youth dealing with gender dysphoria. Other states around the country are looking at this issue and putting laws in place to protect children from experimental, irreversible treatments that has never been proven to work to treat gender dysphoria. The first rule of medicine is do no harm. Experimental, irreversible treatments and procedures violate that rule. This is about protecting children from the unintended consequences of something that may only be transitory. We need this law to protect them. Their brains are not yet fully developed, and if they make a permanent decision at a young age, they may regret it and be in pain for the rest of their lives. When we look at the puberty blockers, their original use was to treat prostate cancer, precocious puberty and chemical castration. It has some serious dangers: lower bone density, it affects your cardiovascular, your endocrine, your brain development, chronic joint pain has been experienced, decreased male sexual desire and infertility. All of this has been untested on kids. It is an off-label use. And when you use it off-label, you can make more money as a pharmaceutical company. The maker of Lupron, which is one of the more prominent puberty blockers in the U.S., has refused to apply to the FDA for use with gender dysphoria. Lupron also settled a very large \$800-plus million lawsuit because of the damage from their drug. Puberty blockers stop puberty. The child will be smaller, all parts of them. Even if the meds are stopped, they may never resume normally. They're always going to be slightly out of step with their peers. Imagine being in high school in a 13-year-old body while the rest of your peers are in their 16-year-old bodies. The effect of feeling better, the honeymoon period, once these are started has never been studied. Is it the medicine or is it the fact that a kid has been told that this process will solve their problems? Doing something feels good, but does it actually cure? And more importantly, how long does that feeling last? When you look at the effects-- the studies from Sweden, where they look at people who had the transgender surgeries, 19 times greater risk of suicide when all was said and done. Jazz Jennings is a very prominent transgender youth whose parents supported the gender transition from age five. They've kept Jazz in the public eye through a television show and children's books. She has recently come out and said she still doesn't feel like me. There are still the problems. All of the surgeries that have been done, all of the hormones and the chemicals, she still doesn't feel right. The majority of children who actually start on puberty blockers go on to cross-sex hormones. This will guarantee infertility. What child can make that determination at such a young age? Considering when watchful waiting is used-- and watchful waiting acknowledges that

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a child is in distress and they say, OK, you're in distress. Let's figure out why. It doesn't affirm and it doesn't "deaffirm".

KELLY: One minute.

KAUTH: It doesn't say anything about it other than, we need to help you with your pain. That kind of therapy is absolutely invaluable. When you do watchful waiting, 85 percent of youth who experience gender dysphoria desist, which means they basically grow out of it. It becomes something that they are no longer concerned with. And that's what we're asking them with this bill. Wait. Give yourself time. Let your brain develop. Kids can't make decisions like this. We treat them differently in our criminal justice system and in all other aspects of their lives, because their brains are not ready for the responsibilities of those decisions. Thank you, Mr. President.

KELLY: Thank you, Senator Kauth. Senator Hardin, you are recognized to speak.

HARDIN: Thank you, Mr. President. Shirley was a highly imaginative child who loved to make up stories. She lived in a fantasy world as a little girl. And by the time Shirley was in college, she was having psychological problems and she went to see psychoanalyst Dr. Cornelia Wilbur in the 1940s. Dr. Wilbur had an interest in multiple personality disorder, and she recommended that Shirley read up on the subject. That was probably a mistake, as Shirley was so prone to fantasize. In the early 1950s, Shirley returned to therapy and the multiple personalities emerged, 16 separate personalities. Modern author and journalist Debbie Nathan described what happened after a few sessions. As detailed in her book, Shirley had a very dramatic moment when she started smashing windows and split into another personality, a little girl. And as she went into further therapy, she developed many other personalities, a total of 16. The therapist assumed that something terrible must have happened to her when she was a child to create this kind of splitting in her consciousness. Ultimately, Shirley remembered terrible, hideous sexual abuse and torture by her mother. And once she came to remember that, she reintegrated and was able to live a happy life. So the book had a happy ending. Dr. Wilbur asked Shirley if she'd like to write a book with her about her experience. In order to give the book the needed polish, they would also include the expertise of a professional writer. In fact, the story was written into a book, and in 1973, Shirley was introduced to the world as Sybil. The book sold millions of copies. The movie came a few years later. Nathan writes in her 2011 book, Sybil's case generated widespread fascination, both in the

general public and the medical community. And a group of psychiatrists and psychologists successfully lobbied to have multiple personality disorder included in the DSM, the Diagnostic and Statistical Manual. Once that happened, the disorder, now known as dissociative identity disorder, which had been extremely rare, became a relatively common diagnosis. In the entire history of Western civilization, there had been less than 200 cases over a period of centuries, Nathan said. But after the book and film, suddenly there were hundreds and thousands. And by the late 1980s, there were 40,000 cases diagnosed in the U.S. alone. By the way, the average number of separate personalities within each of those cases was 16. Unfortunately, the happy ending in the book, championed by a so-called brilliant therapist, turned out not to be an autobiography, but largely a work of fiction. Debbie Nathan unearthed a letter that Shirley wrote to her psychologist, admitting that she made it all up. She did not have 16 personalities, not even 2. But Wilbur dismissed the letter as Shirley's attempt to avoid going deeper into therapy. By now, Dr. Wil-- Wilbur was too heavily invested in her patient to let her go. It's tragic when the experts become the fiction writers. Psychologist Clifford Lazarus wrote that MPD or DID is extremely rare today. And the danger for the consumer is that if a therapist unquestioningly buys into the label, the therapist will be likely to find, or worse yet, manufacture evidence that supports the diagnosis. Last year, Komodo Health analyzed its database of U.S. insurance claims on 330 million Americans. The analysis, which Reuters says is the first of its kind, found that at least 122,000 children, ages 6 to 17, were diagnosed with gender dysphoria from 2017 to 2021. Slow down. We're repeating mistakes.

KELLY: One minute.

HARDIN: LB574 applies the brakes to what as some have testified in this room, science can simply not support. That's ironic, as this is the same chorus that shamed us all into the context of COVID-18-- COVID-19, by chanting "follow the science" from the end of 2020 until it was no longer fashionable to follow the science about a year ago. This is about protecting children. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Senator Walz has guests in the north balcony, students from Greenheart Exchange High School in eastern Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Albrecht, you are recognized to speak.

ALBRECHT: Thank you, Mr. President, and good morning, colleagues. I rise in support of LB574 and against the motion to bracket. I'm looking at the Institute for Research and Evaluation, and I've got

several letters from proponents of this bill that I think certainly helped me to understand where I'm at on this bill. I know there's a lot going on in our schools today, a lot of things that were certainly not happening in my day and certainly not happening in the days when my children were raised. But I think we all need to, to simply take a step back and be able to protect the children. And I do have a-- some information here from, from the Institute on Research and Evaluation out of Salt Lake City, Utah. Transgender Research: Five Things Every Parent and Policy-Maker Should Know, published in September of 2022 and updated in November of 2022. It says, the past 10 years have seen an exponential rise in the occurrence of gender confusion or gender dysphoria, also called transgender or gender nonconfirming [SIC] among young people worldwide, especially among teen girls. The distress of these young people is real, and causes of this unprecedented trend are unclear, raising difficult questions about compassionate, ethical and effective ways to respond. Experts disagree with some recommending watchful waiting, plus counseling and some asserting that cross-sex medical procedures are necessary in order to prevent suicide. The United States federal policy of the current administration, which endorses, quote, early gender-affirming care, unquote, or for, quote, children and adolescents, quote, in 2022 is considered a controversial-- controversial by many. And there mat-- the dramatic rise in the use of cross-sex hormones and surgery for young people has been the focus of the heated debate, causing uncertainty in patients, parents, physicians and policymakers as to what is best. Below is a compilation of the research evidence on five key questions about these issues, shared in hope of helping gender-confused people receive the best care. And then on one of the questions they have, what does research tell us about teaching sex education and gender ideology to young children? There is no scientific evidence showing that young children benefit from being taught in school about sexuality, transgender identity or homosexuality, or showing that such teaching does-- does not do harm. Studies to date have not produced sound scientific evidence to back up the claim that teaching sex education to children, young children in early elementary school, including content about transgender ideology and homosexuality, is bene-- beneficial to them or reduces the rates of child sexual abuse. There's also no evidence that it is not harmful, and the research has not shown reliable evidence that sex education classes, which teach these topics to older youth, produce any sociological benefit. And it also tells us--

KELLY: One minute.

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ALBRECHT: Thank you. I lost my page here. Just one second. A recent U.S. Gallup poll found that the percent of Generation Z born in 1997 to 2002 who identify as transgender has increased by 900 percent over the Generation X, born in 1965 to 1980, who say that they are transgender. Again, I think we have to really look at this for the youth that we have. Our schools today, I think responsibility for things like this does belong in their home, and I wish it wasn't on our desk that we have to make a decision for this, and the parents could make it for their children. But knowing that I feel coming down here to the state, it's our responsibility--

KELLY: That's your time, Senator.

ALBRECHT: Thank you.

KELLY: Thank you, Senator Albrecht. Senator Hunt has a guest in the north balcony, Dr. Alex Dworak, winner of the UNMC Nebraska Public Health Defender Award. Please stand and be recognized. Senator Murman, you're recognized to speak.

MURMAN: Thank you, Mr. Lieutenant Governor. I stand in strong support of LB574 and not in favor of any of the amendments. Senator Erdman talked a little bit about suicide, and I would like to-- among transgender youths, and I would like to just continue a little bit of that discussion. The transition or suicide claim that parents must choose between a live trans son or a dead daughter or vice versa is not supported by scientific evidence. Widely cited studies claim that suicidality in gender-confused youth is reduced by cross-sex hormonal and surgical interventions have been found to have significant methodological flaws and therefore should not be relied on. Scientific sound studies have found either no reduction or an increase, that's an increase in transgender suicidality after youth have received cross-sex medical procedures. I've got a list of about a dozen studies that support what I have just said. Well, I don't have time to go through all of them, but I can say that most of the studies listed have been done in Europe, where the transgender procedures and hormones have been done for much longer than they have been done here in the United States. I would like to just continue a little bit of the discussion by commenting on some things that have been happening in the session, and especially yesterday when we did discuss some of these societal issues. Yesterday, my friend John Lowe told a story-- was telling a portion of the story of the-- from the Bible, from the Gospel about Mary, the mother of Jesus. And during those Bible quotes, members of the galleries were laughing and sneering at him. Mr. President, I was completely appalled. There is no amount of sneering,

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mockery or hatefulness that will change the bottom line of this bill, or LB626 or LB606 or LB575. It's about protecting children. It's about protecting women. And it's about giving people a fair shot in life. I believe we need to prevent these kinds of surgeries or hormones, experimental hormones from being given to children and allow them to mature. You know, if they do desire that to be done after they mature, that's a different thing. But we need to protect them while they are children. And with that, I will yield the rest of my time back to the Chair.

KELLY: Thank you, Senator Murman. Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. Senator Murman, I'll say it. Senator Linehan doesn't like it when I say it. I'll tell it to you, I'll tell it to Senator Albrecht, Senator Kauth, you don't know what you're talking about. You literally don't know what you're talking about. Suicidality is reduced by accepting and affirming kids, by loving kids for who they are. Maybe puberty blockers isn't a part of that. Maybe hormone therapy isn't a part of that. We don't know. Maybe it is. But by voting for this bill, you aren't sending a message that you care about these kids. You're telling the kids that you reject them. That's what causes suicidality. That's what caused calls to the crisis hotline to spike when we debated this bill on General File. That's what caused the Westboro Baptist Church to show up today with their "Thank God for dead fags" signs that they held up out there. That's what causes suicidality. And you are throwing gasoline on the fire by debating this bill, by even introducing it, by giving it the light of day, by prioritizing it, by refusing for one person to come off of this bill so we can move on with the work of this session. Somebody is finally standing up-- not somebody. Several people, thank God, are finally standing up and saying, this is a bright line that you've crossed. And you can't ride the tiger and you don't know what to do. In medicine, irreversible means that you take something once or you take it several times and it changes your body in a way that you will no longer have to take that medication long-term. That's what irreversible means. Hormones need to be taken, puberty blockers need to be taken on a regular basis every day because they don't last that long in the body. They wear off and your body returns to baseline. Stop saying it's irreversible. You're also arguing that brains aren't fully developed and thus people are unable to make life-changing decisions. Well, then why do we let kids join the military when they're 18? Why do we let them decide where they want to go to college? Why do we let them smoke cigarettes? Why do we give them Adderall and Prozac? Why don't we ban them from voting? I bet you'd

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love that. Why don't we do that to protect them, to protect their brains? Because we love them. Because we're worried about them. Because Kathleen Kauth chose it for them. Those reasons are good enough for you to ban this type of healthcare. I'm once again just asking us to listen to doctors, trust doctors. Talk about the possible side effects of aspirin, of Dimetapp. I trust the medical community, and in Nebraska, they are opposed to LB574. I want to speak directly to the trans kids and gender-expansive youth of Nebraska and acknowledge the challenges that you face as you try to navigate your gender identity. I know that it can feel difficult to see yourself in a way that many adults don't acknowledge or validate or understand. But I want you to know that you're not alone, and there's nothing wrong with who you are. In fact, I think that we should celebrate the uniqueness and the gift that your identity is, your gender, who you are, whatever that is. That's a beautiful thing. It's an important part of who you are and it's something that should be celebrated, not hidden or suppressed or legislated away or shamed. It's for you to figure out.

KELLY: One minute.

HUNT: And it's for adults and your loved ones and the people who care for you in your life to trust you to do that with support, with guidance. But not to pass a bill like LB574 that's just a blanket ban on the standard of care on an acceptable type of healthcare. Senators would not introduce this bill or support this bill if they didn't want to discriminate and hate trans and LGBTQ people. That's it. If you didn't have an underlying motive of hate against this community, this would not be a priority in this body. Thank you, Mr. President.

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

VON GILLERN: Thank you, Mr. President. Senator Hunt said earlier today that LB574 is discrimination, bigotry and hatred, not just for minors. Well, there's a newsflash. If you read LB574, it's only directed at minors. Nothing in LB574 says anything about adults wanting to change their gender. Senator Conrad said a bit ago that this bill discriminates against youth, and Senator Hunt just helped make this point for me, implying that we should stop our discrimination against youth. Well, maybe we should allow children to drink alcohol. Let's let them smoke in grade school. Let's say kids who identify as drivers drive cars at whatever age they want to. And let's let kids vote in between recess and lunch period. I'm not an attorney, which is something that sometimes I find frustrating and sometimes a relief,

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but I do know that the law does not recognize children to have the same rights as adults. So let's quit conflating the two issues. LB574 does nothing to promote hatred or bigotry. It does nothing to discriminate against an adult who has made an adult decision. What it does do is protect children from making childish decisions. Anyone who is a parent knows that their kids make decisions based upon the worst criteria: peer pressure, lack of information, emotions, popularity. And today, more than ever: social media pressure. And I think that we can all agree that kids are under more pressure today than ever. I shared in previous testimony that as a child, there were three things that I knew about me that were certain. First, even though I was not raised in a churchgoing family, I knew that there was a God who loved me. Secondly, even though physical or verbal expressions of love were not common in that era, I would know-- I, when I was a kid, I knew that my parents loved me. And lastly, I knew that I was a boy and, someday, I would grow up to be a man. Those three things were certain to me and to most kids who grew up in the '60s and '70s. But unfortunately, many kids don't have the security of knowing any of those three things today. According to commonly recognized statistics, most kids are not living in a family that regularly expresses their faith. Most are in a family that have experienced divorce or the kids of a single parent. No dig on single parents. That's the hardest job in the world, to be both mom and dad to your kids. And my wife and I have a special place in our hearts for single parents. And lastly, nearly all are being told that the one thing they knew about themselves the most, that they are a boy or a girl, might be a mistake. Is it any wonder that the teen suicide rate has skyrocketed? Is there any question about why kids are reacting with violence against one another? Is it shocking that school behavior and performance is declining? When you remove all of the securities from a child, you shouldn't be surprised when they act and react poorly. The opponents of LB574 say that the suicide rate in kids is up because gender affirmation is being withheld from them. I postulate that the suicide rate is increased because their lives have been filled with question marks rather than affirmation of who they truly are and who they were created to be. Passing LB574 helps to remove one of those question marks for kids. It tables a discussion that can and should be had at an adult level. It gives kids and families the opportunity to hit the pause button and discover who they truly are. It allows them to mature physically, emotionally and, yes, spiritually. Nothing in this bill is transphobic, homophobic, bigoted, hateful or discriminatory as has been claimed by the opponents. Rather, it simply requires children, children to wait until they are adults to physically and permanently alter their bodies. On behalf of our

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children, I ask that you help to restore identity to kids, not tear it down.

KELLY: One minute.

von GILLERN: Thank you, Mr. President. Don't fill them with question marks where none exist. I ask that you stand against the motion to bracket the bill and then vote to advance LB574. Thank you, Mr. President.

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

DeKAY: Thank you, Mr. President. I rise in support of LB574. First of all, I would like to echo the words that Senator von Gillern just said, and I would like to recap what I said on the floor when this bill was considered on General File. I spoke to three groups of people in my office on the topic of gender-altering procedures. The opponents of this bill, the proponents of this bill, and the individuals who have transitioned as minors and now say that decision was the greatest mistake they ever made. I believe it is appropriate to listen to the third group and what they have to say. They raised questions and concerns that I don't feel have been adequately addressed. Personally, I believe people have the right to live their lives in the manner and way that they choose. At the same time, I feel we are going too far, too fast when it comes to providing gender-affirming care and treatment to minors, especially those with permanent or irreversible effects. As I see it, this bill is about slowing down the process for gender-affirming care so as to allow minors more time to consider all aspects of gender-affirming care and make those decisions as adults. If someone wants to pursue gender-affirming care, I want them to have the sufficient maturity to make that decision-- decision, to understand the impact of that decision, and to be able to live with the results going forward. Right now, I have serious concerns that minors lack the maturity level to make this decision without regret or remorse. I yield the remainder of my time to Senator Kauth. Thank you.

KELLY: Senator Kauth, that's 3:10.

KAUTH: Thank you. Going back to medical professionals who have said no. Dr. Susan Bradley was a Canadian pioneer in gender dysphoria treatment. She now says, we were wrong to use puberty blockers, and believes now that puberty blockers can cement a child's sense of confusion, which they would most likely outgrow. Florida Medical Board has evaluated all of these medical concerns and have restricted the

use of puberty blockers, cross-sex hormones and surgeries in children. In the UK, the National Institute for Health and Care Excellence found the quality of evidence for puberty blockers and cross-sex hormones mental-- on gender dysphoria, mental health and quality of life to be very low certainty. We're talking about children's lives, the rest of their lives in a body that can be permanently damaged by the use of these drugs. A whistleblower in St. Louis who worked at the University Gender Clinic, Jamie Reid, came forward as a lesbian married to a trans woman. We are permanently harming the vulnerable population we are supposed to help because of the way the clinic was pushing these. This is big, big business. The doctors from Nebraska who came and testified don't have a financial stake. They are sticking their necks out. I have a list of 20 of them who signed on to a letter stating, hey, we think that this is wrong. And they're not getting paid to say that. The people who testified in opposition to the bill all work for UNMC or treat gender dysphoria in some way, shape or form. They have a financial motive. Medical centers have a huge financial interest in promoting and supporting this treatment. And transgender treatments create the need for lifelong care. You're not just a patient for a little while, you will be a patient for the rest of your life. The Clinic for Transgender Health at Vanderbilt University Medical Center, Tennessee.

KELLY: One minute.

KAUTH: Thank you, Mr. President. The assistant professor, Dr. Shayne Taylor, explained, these surgeries make a lot of money and charge female to male chest reconstruction at \$40,000. While a patient who is quote, just on routine hormone treatment that we're only seeing a few times a year, could bring in several thousand dollars. According to Dr. Taylor, gender reassignment surgeries are huge moneymakers that could support an entire clinic. These surgeries are labor intensive, she said, requiring a lot of follow-up time. And they make money for the hospital, up to \$100,000 each was her estimate. When we start looking at medical issues as moneymakers, there is a problem. We need to protect our children from these experimental, irreversible drugs, hormones and surgeries that will do damage to them for the rest of their lives. Thank you.

KELLY: Thank you, Senator Kauth. Senator Lowe, you are recognized to speak.

LOWE: Thank you, Lieutenant Governor. I'm going to receive a letter I received this morning from Sue Greenwald. She's a doctor. It says, dear senators, we, the undersigned medical professionals, would like

an opportunity to explain our position regarding LB574 and why the proposed amendment does not make practical or medical sense. LB574 bans gender-altering care for minors, as you know. The amendment would ban only surgery, but allow hormone-blocking treatment and cross-sex hormones to continue as options. There are 21 doctors from across Nebraska, but most of them are in the metropolitan area. To summarize, the vast majority of kids will outgrow their gender dysphoria if they're allowed to complete puberty, while the vast majority of kids who start on hormone blockers and/or cross-sex hormones will become lifelong patients with or without the surgery, which means we're taking children and making them lifelong patients. Surgery causes permanent damage, yes, but is only used in a small number of cases. The medical treatments cause permanent and irreversible damage to many more children than surgery. Furthermore, the hormone-- hormone-- hormones are what lead to the surgery, and the surgery can be done anywhere. Banning surgery alone will not put a stop to any of this. In spite of that fact, we have watched the liberal senators burn this session to the ground over a bill that, if amended, would be fairly useless. Anyone can see that this opportunity will not come back, which is the goal of those senators. Children in K-12 are being groomed with a school curriculum designed to pick their interest in transgender movement. There is currently an explosion of children entering the medical and political arena as a result. The medical field has created a school-to-clinic pipeline that snares young people into a lifetime of medical treatment when they are too young to understand the ramifications, which include heart disease, stroke, bone density issues, growth retardation, possible hindrance of brain development, lack of development of sexual function and sterility. Really? Is this what we want to do to our children? Really? Studies prove that anywhere from 75 percent to 90 percent of the youth with gender dysphoria spontaneously recovered if allowed to complete puberty unmolested. Let's let them grow. Puberty blockers are not necessarily reversible. If a child starts them early, they may never develop sexual function of either sex. Hope no children are listening. No erections, no orgasms, no usable vagina. There have been no clinical trials regarding using this class of drugs for this purpose. Cross-sex hormones cause lasting and permanent changes to voice, muscle mass, hair distribution. They also cause painful genital-- genital atrophy and urinary dysfunction. The patient is infertile-- in-- while taking them. Some of the features will reverse upon stopping their use, but not all. Higher incidence of stroke and heart disease is found in these patients. Patients are unable to make informed consent decisions because they currently are no-- there are no clinical studies done to show safety--

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KELLY: One minute.

LOWE: --thank you, Lieutenant Governor-- safety or effectiveness of these medical treatments. A renowned transgender clinic, Travistock [SIC] in London, was shut down after a lawsuit from a child claimed harm from hormone blockers. The judge sided with the plaintiff as there were no clinical trials. Therefore, informed consent was impossible, the judge's words. Also uncovered at the trial was that 98 percent of the youth who started on puberty blockers proceeded on to use cross-sex hormones. The precision-- the procession was so universal the judge declared that youth could not give informed consent to puberty blockers, as they were de facto consenting to cross-sex hormones as well. Notice surgery was not really mentioned here. The clinic was shut down due to damages from hormones. Across Europe, Norway, Sweden, UK, Australia, medicine is backing away from this--

KELLY: That's your--

LOWE: --course of treatment.

KELLY: That's your time, Senator.

LOWE: Thank you, Lieutenant Governor.

KELLY: Thank you, Senator. Senator DeKay has some guests in the north balcony: fourth graders from Elgin Public Schools. Please stand and be recognized by your Nebraska Legislature. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I appreciate the discussion, discussion today. I rise in support of LB574 for the simple fact that we're protecting our children with this bill. I'm grateful for those who have stepped up and discussed research and studies that confirm this fact that we need to let our children grow. And with that, I yield my time to Senator Kauth.

KELLY: Senator Kauth, that's 4:32.

KAUTH: Thank you, Mr. President. I want to talk a little bit about desistance. Desist means to resolve their gender dysphoria without medical interventions. Ninety percent-- between 85 and 90 percent, without social transitioning, will desist. This process is called watchful waiting. Social transitioning makes it less likely that a child will be able to desist. Every step you take down the path further cements a child into that identity. Most of those who do

desist are gay and are experiencing discomfort about their sexualities. Luka Hein I've talked about before. She is a young woman who is from Nebraska. She's from Elkhorn and she was experiencing severe mental issues when she was 15 and she was seeking therapy for it and she mentioned the word trans. And when she was 16, she had her breasts removed at the suggestion of the doctors at UNMC. Her parents were told, would you rather have a dead daughter or a live son? She was convinced that this would solve her problems and she had a double mastectomy and was put on cross-sex hormones. Within a few months, she realized this did not solve her problems and she detransitioned. Those things happen. They're tragic and they're real. Had she been given the opportunity to work through her issues without being pushed, according to her, into this, she would have kept her breasts. She would not have had the need to shave her face because she was on testosterone. Her voice would not have changed and it would not stay changed and sound like a man's. There are side effects to these drugs that do not go away. To say that kids should be able to take these drugs and medications and alter themselves in ways that they cannot fully understand and for parents to be put in the position of having to say, I don't want my child harmed, I want what's best for my child. And doctors say this is it. There is not enough research to justify this kind of a risk. When we look at medical practices from before and now, we see that we've come a long way. And I have great fears that in ten years, we'll look back and say, why did no one do anything to stop this? Where were the adults who said, hold on, take it slow, when other countries who had done this for decades and doctors who this is their specialty are saying, don't do this? We should be paying attention. Why, in this country, is there such a push to make this happen? Medicine is also a business and not every doctor is the best doctor. Associations often have a strong ideological bent. We used to do all sorts of things then that we don't do now. It used to be accepted practice to do frontal lobotomies for mental illness. They made their patients docile, but it didn't do anything to help them. Same with electroshock therapy. Heroin and cocaine were both used for a variety of ailments in the late 1800s. See the cocaine toothache drops for sale by all druggists in 1885.

KELLY: One minute.

KAUTH: Thank you. Nuplazid, a drug for hallucinations and delusions associated with Parkinson's disease, failed two clinical trials. In a third trial under a review-- revised standard for measuring its effect, it showed minimal benefit but it was still put on the market. Overall, more patients died or had serious side effects on Nuplazid than after receiving no treatment at all. Patients who were given

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Uloric, a gout drug, suffered more heart attacks, strokes and heart failure in two out of three trials than did their counterparts on standard or no medication. Patients on the drug were 34 percent more likely to die from heart disease than people taking an alternative medication. The medications are not foolproof. We don't know everything and there are no studies showing that this will actually help treat a child and make them feel better. We need to protect our kids and make sure that they are not being experimented on with irreversible medications and treatments.

KELLY: That's your time.

KAUTH: Thank you, Mr. President.

KELLY: Thank you, Senator Kauth. Senator Halloran, you are recognized to speak.

HALLORAN: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Stand in full support of LB574 and against the bracket motion. You know the bill's name, we give titles to bills and, and for good purpose. Typically, it's meant to summarize what the intent of the bill is. This bill is titled adopt the Let Them Grow Act. Much has been discussed about immature minds and allowing decisions to be made before minds are mature. But I think that title of that bill speaks volumes. Our kids are being asked to grow up way too fast, being bombarded with all kinds of social pressure. That's been mentioned as well. I want to read from some comments from Dr. Ivan Abdouch, associate professor emeritus, University of Nebraska Medical Center. With 30 years of experience providing transgender management as a physician member of the Omaha gender identity team, I'm in support of LB574. My purpose is not to provide convincing data, statistics or evidence. I simply wish to offer perspectives gained from my experience. I joined the Omaha gender identity team in 1988. Our team also included board-certified psychiatrists, psychologists, as well as various allied professionals to assist with supportive aspects of care. At that time, ours was the only team in the area that provided transgender care, serving as active proponents for all transgender individuals when it was quite unpopular and very few, if any others would do so. Being fully supportive of our clientele, including looking out for their welfare by firmly adhering to management that was proven to be both safe and effective, which frequently called for us to resist yielding to their requests to go beyond those limits. This is the doctor speaking, my concerns about medical and surgical treatment of children and adolescents are based on perhaps the most basic of principles taught in medicine: first, do

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no harm. It is a commitment to nonmalfeasance, which tells us that given an existing problem, it may be better not to do something or even do nothing than to risk causing more harm than good. Much has been learned about transgender health, but much is still unknown and unproven. Even the World Professional Association for Transgender Youth [SIC], the leading organization in the transgender field, acknowledges this. The first step toward medical management is an accurate diagnosis. Not everyone who believes that they are transgender is, in fact, transgender. So initiating gender trans-- identity-related treatment in someone who is not clearly transgender is literally mistreating that person. If a person who is being incorrectly treated trusts that their healthcare provider is doing the right thing, then that person also assumes that they are also doing the right thing, even if it may not actually be the right thing. Our team was frequently sought by individuals who believed themselves to be transgender, but thorough assessment disclosed otherwise. I do not have accurate records now, but I, I would estimate eight or nine out of every ten who came to us had issues that led them to incorrectly believe they were transgender and they instead, instead needed help with other issues. I think the question was asked of Senator Raybould in regarding--

KELLY: One minute.

HALLORAN: --thank you, Mr. President-- in regard to the long-term effects of hormone treatments and whether or not it would affect the ability of that person to reproduce once reaching a point in time that they desired to do so. One of the effects of long term-- and this is the doctor speaking-- the long-term ill effects of hormone treatment is compromised ability to have a genetic child in those who in-- in those who suppress their early puberty. So let them grow. Give them some time to achieve a more mature brain to make a decision as an adult, but let's not experiment with our kids. That's not something this country would be proud of in the future. I think--

ARCH: Time, Senator.

HALLORAN: --we'll regret it. Thank you.

ARCH: Senator Vargas, you are recognized.

VARGAS: Thank you very much, Speaker. Colleagues, I want to weigh in-- and I have in the past-- LB574. I stand opposed to the bill. I support the bracket motion. I think I made it clear on the first round of debate there are many reasons why I don't support this bill in terms

of both policy and in terms of long-term implications. In terms of policy, I've seen the list of opposition testifiers that represent a large number of different medical associations which represent the voices of policymakers that are healthcare professionals. That's not saying that there aren't healthcare professionals that have their independent views. But when we're looking at the body of work of the policy positions that different medical associations are taking, that is a big deal to me. And it-- I know it's been talked about here on the mike because we listen to experts on nearly every other aspect: when we're talking about healthcare access, when we're talking about tax relief and reform, when we're talking about water infrastructure. And I think our consistency with listening to the experts and working with them to make sure that something is really in line with a profession, that's what this is about for me. In addition to, I think these decisions-- I want to respect parents' individual decisions and make sure that that continues to stay intact. Since our debates on this bill, I've received and talked to many different parents that have some of their family that are trans youth and identify as such that have stopped me in many different, different community events or reached out to me independently, thanking me for standing up for their independent privacy decisions. And respecting that and respecting their decisions that they're making it on the behalf of their young ones. And I think that is something that we need to continue to respect that privacy and those healthcare decisions and I want to make sure that that stays intact. It's in line with appropriate healthcare in terms of protecting those healthcare decisions and that privacy. It's also in line with what we're seeing from the healthcare profession in terms of, they think, not removing gender-affirming care. And I want to continue to support that, which is why I remain opposed to LB574. I appreciate the debate, I appreciate the perspectives, but I continue to remain opposed to this bill. With that, I will yield the remainder of my time to Senator Conrad.

ARCH: Senator Conrad, 2:20.

CONRAD: Thank you, Mr. President, and thank you to my friend, Senator Vargas, for the time. Just a couple of quick points, friends, just to clarify and recenter the debate. In regard to my friend, Senator von Gillern's comments, I think that he's, I think, trying to perhaps confuse some of the opponents' arguments. And this isn't a license to do as you wish for all youth or trans youth because that misunderstands the current standard of care and practice of care. In order for trans youth to receive essential healthcare, they already have to have informed consent, parental consent and a team of medical doctors working in regards to that come together to, to find consensus

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there. So it's really important to be clear about how the existing standard of care works, which is not a free-for-all for youth in this state to seek healthcare as they wish. And we need to, to be clear about that. And that, I think, is also critical because not only does it misunderstand the existing standard of care, but it, it really means to gloss over the key component in this measure, in addition to the discriminatory and human rights aspects, is government overreach into fundamental parental rights. If this care is not right for you and your family to those--

ARCH: One minute.

CONRAD: --that are pushing this measure, you do not have to seek it. But you should not be afforded a veto power over everybody else's family. That is not the appropriate role of government in private issues impacting families in healthcare, period. And let's be clear about those pushing this measure. They were the same folks who were antiscience, antimedicine, making wild comparisons about COVID and the pandemic and the hurt and the harm that so many Nebraska families suffered and pushing back against common-sense public health matters. So, again, you haven't heard a lot of redundant statements about the consistent level of medical and science review that causes every major medical association to oppose measures like this because we've already talked about it. And finally, colleagues, I'll leave you with this.

ARCH: Time, Senator.

CONRAD: Oh. Thank you. Thanks, Mr. President.

ARCH: Senator Lippincott, you're recognized.

LIPPINCOTT: Thank you, sir. I yield my time to Captain Holdcroft.

KELLY: Holdcroft, Senator Holdcroft, you are yielded 4:40.

HOLDCROFT: Thank you, Lieutenant Governor. I rise in support of LB574 and opposition to the bracket motion. I have a-- kind of a lengthy email and I really appreciate Senator Lippincott giving me his time. And I'll probably end up overflowing into my time coming up here shortly, but it's an email from a teacher who kind of gives the overall-- what has happened in her classroom over-- or since COVID primarily. And it really, it rung, it rung true to me so I'd like to, to read it to you today. I know you may be weary from debate these last couple of weeks and are deserving of much rest. I wish and pray for each of you most sincerely and deeply. I wanted to share a few thoughts on the topic you discussed and voted on last week, LB574, and

similar legislation to come. I don't know if it will change anything, but rest assured what I have to say doesn't include any attacks or name calling or any intimidation tactics. I simply want to give my opinion and experience. First, I would like to thank you for standing up for the kids of Nebraska last week and for your support to protect them. There are forces that have always plagued humans and have always sought to allure us, such as power, profit and popularity. They have been around for ages, are at work in the world today and will likely be part of humanity for some time. These forces are not always clear to see. They hide behind the things we love. They attach themselves to good intentions. They convince us that what is wrong is right. It takes great wisdom and great humility to sort out which is which. Therefore, we must always check and balance our emotions by our reason, our logic, and our rationale if we actually care about the truth and the greater good. It's an important reminder, reminder that none of us are perfect or all knowing. I am someone whose heart often tries to lead over my head and at some-- it is something I have to reflect on every day. In the light of compelling evidence, we must be open enough to consider that we may have some things wrong. We must also be brave enough to stand up when we realize what is objectionably true and right, even if it's uncomfortable or unpopular. No, not stand up to attack others personally or name call, but stand up for the ways and values that are good and just in order to create a healthier, more peaceful world in which we can all live. There will always be those who take offense to the truth. Hearing the truth can be difficult. It can be humbling. It may mean change and we all know change can be frightening. Some will even choose to reject truth altogether. Of course, it's not always easy to untangle good from bad and true from false. I say this because I am someone who changed my mind on the issues discussed in LB574. I had to untangle my benefits-- my, my beliefs throughout the last year and a half about this. I used to go along with kids socially transitioning and now I am adamantly against it. To give you a little background, I was born and raised in Nebraska and live here still. I have been teaching high school for over ten years now and have been raising children for 15 years. I am a kind--

KELLY: One minute.

HOLDCROFT: I am a kindhearted, empathetic and inclusive teacher and mother who seeks the well-being of others and strives to understand everyone's point of view. I have always been deeply interested in understanding and appreciating human behavior and culture. I have a good deal of education with a bachelor's degree in anthropology, the study of human societies and cultures and their biological and physiological characteristics throughout evolution. I have a

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bachelor's and a master's degree in German. I have lived and worked in Berlin and frequently taken students on exchanges so they too can better understand the world we all share. I also have a master's degree in education and I teach students how to speak the language and about the country and culture. I have researched and taught about German history and have taken students to concentration camps to witness what terrifying extremes can and have done. I also seek truth on a spiritual level through my belief in God. I say this to give you an understanding of my particular expertise.

KELLY: That's your time, Senator.

HOLDCROFT: I'll continue on my next time. Thank you.

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

JACOBSON: Thank you, Mr. President. Senator Holdcroft, hang in there. I won't use my entire time so I'll let you use the back end of my time if you want to be prepared to take over. I rise today in opposition to the bracket motion and in support of the bill, LB574, and I rise in opposition to the amendment. The amendment was offered in good faith early on and, and obviously it's-- was an opportunity to compromise and that was rejected. We've wasted a lot of time in this session dealing with this bill alone. So there's a lot of people here today talking about how we were elected to come down and get things done for our constituents. I could not agree more. But who's been wasting the time? Who's been overwhelming us with filibusters filled, filled with debate on this bill, not the bills that were being debated? Frankly, we're sick of it. This is in the spirit of compromise. This wasn't brought-- people weren't here ready to compromise. And I will also tell you that the introducer of the bill and those of us who support the bill care about kids, all kids: pre-born, trans, people of color. It doesn't matter. We care about them all and we want to protect them from harm. People can spin this however they want to spin it, but the truth is, is we're here to protect children from harm. That's what we're about. Senator Holdcroft, I'm prepared to yield the balance of my time to you.

KELLY: Thank you, Senator Jacobson. Senator Holdcroft, 3:05.

HOLDCROFT: Thank you, Lieutenant Governor, and thank you, Senator Jacobson. Appreciate that. Again, I'm reading from an email that came from a constituent who is a high school teacher of ten years and relating her experience over the last couple. And I continue, she says

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I also seek truth on a spiritual level through my belief in God. I say this to give you an understanding of my particular expertise and perspective. It is not humanity. It is not a-- one of medicine. But I hope you see it in one of a deep understanding of humanity, of open-mindedness and of appreciation of culture and diversity. With this comes a recognition also that any profession or practice can become corrupt or at least entangled with the complex agendas behind the scenes, including science, medicine, religious or academic institutions, politics, etcetera because they are made up of imperfect humans like you and I. Therefore, I think it is important to widen our lens of understanding by looking at as many perspectives as possible. We cannot reject what we find out just because it may be inconvenient to what was-- what we want to be true. Though I could write about this from many different academic angles in this letter, today I want to bring to you the perspective of a caring teacher who has been seeing this unfold in front of my eyes. So what happened to me? What happened to make my-- me change my mind? I'm sure the effects of the pandemic will be studied for years to come. But for me, I think the fear, the confusion, the politics and the isolation of many kids was the worst of all. It exposed a lot of weakness in our society, especially mental health and stressful home lives that had been building up for some time. All of this was exacerbated by the social media, a growing addiction to a life online and the rise of identity politics and tribulation.

KELLY: One minute.

HOLDCROFT: Propaganda also found a new place to thrive, something I pay attention-- close attention to having studied so much German history. The negative aspects of online media are entwined with many of the wonderful new aspects of information exchange, something the world is also discussing at the moment. You see, I don't have technology. I try to use it as a tool. But throughout history, human history, we've seen how tools can also be turned into weapons. I personally quit all social media, even though I'm a millennial, because I didn't like it starting-- didn't like it starting to play on my emotions and erode my ability to pause and think critically. I'm constantly monitoring what my own children are being exposed to as well and working hard to keep their hearts and minds safe and innocent, which has become extremely difficult for parents.

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

HOLDCROFT: Thank you, Lieutenant Governor. The push to sexualize children online is huge and I still remember last year in school when online trend encouraged kids to destroy and steal school property. Us teachers got extra duties sitting outside bathrooms during our plan, plan time making sure students didn't steal sinks and soap dispensers. Once again, educators are trying to keep up with bigger social issues than what we have the resources for. And suddenly students started coming to me with the wish to be called a different pronoun and name. I found these requests really out of the norm. All of these students had other physical and mental health conditions or even a history of abuse. I'm well aware there is a legitimate and very rare genetic disorder that causes intersex and, and know about gender dysphoria, also very rare. But these new pronoun, pronoun requests fit more the trendy social pressure box, the search for identity, the need to be special and gain attention in front of peers or the need to feel control over deeper issues. It seemed to me that students wanted to escape themselves rather than embrace themselves and it reminded me a lot of my past students who struggled with anorexia. But at first, I went along with it probably because of my very positive and inclusive nature and quite honestly, because I have some close friends who are gay. I didn't think too hard about it. I wanted everyone to be themselves and to be comfortable in my classroom as they grew up and matured into adults. One student survey I did I now-- I'm now ashamed to admit. I even asked all students what their preferred pronouns were. Although this made me a cool teacher in some students' eyes, it clearly made other students uncomfortable. This was all so new, even more so for the, for the Midwest that I don't think administrators had an answer or policy for it except to defer to parental rights. Increasingly, I started to see and hear some more disturbing things. I started to notice kids getting bullied and shamed if they didn't adhere to the rules of this new gender ideology. They were called names the kids themselves couldn't even define. I started to notice classrooms with big pride flags right next to the American flag and said to myself, I thought we weren't allowed to promote or display political or religious beliefs in the classroom. I started hearing comments from a few teachers implying that we should keep secrets from parents and that we should do what's best for the kid anyway. As a parent myself, my internal alarm bells definitely started going off. Now parental rights were coming into question. I was appalled and horrified and, and the research-- researcher in me also had to find out what was going on. So I spent the summer reading and learning about this trend and its increasing popularity over the last decade. I purposely sought out voices from inside the community. Of course, I started reading about the growing number of detransitioners for whom

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my heart breaks, young people who completely brought into-- brought-- brought into gender ideology and now struggle so much with lifelong health issues. I read many of the students you mentioned in the debates and I tried to account for any bias. I had no idea that kids aren't given the chance to grow and fully develop before being given these drugs and offered surgeries. Why are people, especially children, again being sexualized and being reduced to only--

KELLY: One minute.

HOLDCROFT: --their sexual organs? Thank you. This was the most shocking thing to me: they are not old enough to consent to this. I know teens. They are amazing, intelligent, talented, creative and capable. But I know adolescent psychology and I know their propensity to engage in risky behavior, particularly for the attention of their peers. I know that their brains don't fully develop until their twenties. They are still learning, exploring, growing and developing who they are and want to be so much. They know, they know a lot about what others tell them to be. That is parents or their peers' group or most recently, the internet. Not surprisingly, behind much of this is the money aspect. And I'm going to stop there and ask for some time later on. There's still about another few minutes.

KELLY: Thank you, Senator Holdcroft. Senator John Cavanaugh, you are recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well again, I rise in support of the bracket motion and opposed to the underlying bill. And I spoke earlier about the kind of ongoing legal landscape of similar or almost exactly identical bill out of the state of Arkansas and how a federal court has prevented that bill from going into effect-- that law from going into effect because of the discriminatory aspect of it. And, you know, I, I talked last night about-- a little bit about the-- I don't know what the right word would be, perfunctory or faux compromises that have been offered around this year. And that's another one that was offered on this bill is couched as a compromise and heard, you know, folks don't really want that bill or that, that amendment that we're-- that compromise and that people aren't negotiating in good faith around that. And I've heard a lot of the folks who are in favor of this bill talk about different things and why they support this bill, about some individuals who had a bad experience when they sought gender-affirming care as an adult, which is not, you know, relevant under this bill. And that other people will have just a lot of concerns about maybe the, the quickness with which some people or-- pursue or get gender-affirming care. And so, you know, you hear-- a

lot of, a lot of the complaints I'm hearing, you know, you sit here and you think, oh, well, maybe there is some kind of room to find a common ground that would address these concerns. But this bill isn't it. This bill doesn't-- this bill is basically like, you know, swatting a fly with a sledgehammer or something like that. You know, if your concerns are about making sure the parents are involved, there's a way to do that that's different than this bill. And so there's other-- addressing issues, you think it's too easy to get gender-affirming care. There are ways that you can make sure that people go through the proper procedures and take time. And I remember in the last round of debate, you know, Senator Fredrickson did a very nice job of laying out what is the steps that somebody goes through along the way to receive this type of care. And there does seem to be a fundamental misunderstanding of what this care actually is. And so maybe if, you know, folks listened and internalized and went and talked with some of the families who have been down here many, many times about what this actually looks like, there may be room to find a compromise that would work within the confines. And I'm not an expert on any of those subjects. And my opposition from this bill is rooted in the fact that the bill seeks to solve a claimed problem, a purported problem by some people by-- in a discriminatory way, which is it bans some people from getting care because some people in this body and outside don't like what the result of that care is. And they act like-- they say that the care is dangerous, it's untested, it's experimental when that is not true. All of the care that we're talking about here is been approved and been used for years and will continue to be used, if we pass this bill, for people under the age of 19, just-- if it's being used to make sure that they continue to conform with the social construct of their current sex or gender--

KELLY: One minute.

J. CAVANAUGH: --as you see it. And so the problem with this bill is that it does not-- it's not about health and safety of children. It's not about making sure that processes and procedures are followed. It's just about that you don't like the outcome. And that's not the role here. We're not supposed to be deciding how someone should live their life. And so that's my opposition to this bill. And I think that there is-- if people want to have a serious conversation about how to compromise, that's something that can be done. And I know it seems like it's very hard this year to get to that place, but it's been done in the past. It will be done again in the future. But the things that have been offered on this bill so far are not a compromise. They are way out of line with what we should be doing and so that's why I continue to oppose this bill and I would oppose the underlying-- or

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the, the amendment if it does come to that as well. Thank you, Mr. President.

KELLY: That's your-- thank you, Senator Cavanaugh. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. I don't know that there's terribly much more to say so I will sum up, which is this: I think that this is bad policy. And it's nothing to do with anything else. If you take everything else out of it and you look at it from a thousand feet up in the air and you say we're going to take away the rights of parents to make a decision with doctors about care for a child, it sounds bad. And somebody said, well, there's this whole industry or something. The cancer industry makes way more money, but I would not suggest taking away a parent's right to consent to cancer treatment for a child. So I, I just-- I don't know what else to say. We're taking away the rights of parents to consent to treatment under advisement of multiple doctors. And I get it that folks don't like the underlying issues. They think that they're right and the doctors and the parents are wrong. And I get it. But, like, what is this precedent even? Just from a precedent side of things, it seems scary to me to say we're going to get between a parent and the parents' ability to make decisions for their child about medical issues under consultation with doctors. I-- it, it just isn't good policy to do that. Parents should be able to make decisions for their children. We, as the government, should not be making parental decisions about the medical needs of their children. I, I don't know what else to say. It's not, it's not the right thing for this body or any governmental body to do, in my opinion, that, that we ought to have government and we have parents and they have different roles in our lives. The parents' role is to raise their children, to teach them their values, to talk to them about being good citizens of the world or whatever and to, to help them on their way so that they can become productive members of our society. And the government's role is to not do that, for one thing, to provide for externalities, those things which in economics wouldn't get taken care of if we were all sort of like, OK, we've-- all know that we want parks, but I want my neighbor to take care of them and not me. My niece, when she was four, she came here to visit me at the Capitol-- she was five. And I've told this story before on the microphone and she said, why is it so dark in here?

KELLY: One minute.

DeBOER: And I jokingly said, it's so dark in here because we can't pay to keep all the lights on. And she said, after a minute of thinking,

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what if everybody came down here and gave you their money a little bit, then could you keep the lights on? And I said she reinvented taxes. Those are the kinds of things that I want our state government involved in, not in getting between a parent and their right to consent to medical treatment for their child. They have a right to take care of the medical needs of their children, to raise their children as they believe is proper. And, and just because we think we know more than them, I think that's a terrible precedent. What if we suddenly know more about other things? I-- it's just bad policy. I don't care what you think.

KELLY: That's your time, Senator.

DeBOER: Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Senator McKinney, you are recognized to speak.

McKINNEY: Sorry. I'll yield the balance of my time to Senator Day.

KELLY: Senator Day, you have 4:30.

DAY: Thank you, Mr. President, and thank you, Senator McKinney. I am going to continue reading stories from families today to try to change the narrative a little bit of this conversation. It's unfortunate that we continue to hear people getting on the mike and denigrating youth and making it sound like they don't have the ability to know who they are. And I will remind everyone, kids are not going to a kiosk at Oak View Mall and getting gender-affirming care. This is in combination with their parents who have to consent and with a doctor. It can take years to get this kind of care. So another story from William and Jill Manhart, who are a lovely couple. I had the opportunity to meet them. They've been out in the Rotunda a few times and they came and testified in opposition to LB574 in committee. Being a parent has been one of the most rewarding experiences of our lives, watching our children grow and change over the years, listening to their thoughts and ideas and getting to see the world through their eyes has been such a gift to us. We, like so many other families, have watched as our children's confidence and self-esteem have grown through soccer, swim, tennis, drama performances, art shows and so much more. But now our child's very existence is under attack not only by the Nebraska Legislature, but by politicians across the United States. Suddenly, because our child is transgender, we are spending most of our time writing, calling, testifying and attempting to meet with senators to try to educate and fight for our child's basic rights to merely exist

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within the state. The lack of knowledge that we have witnessed about transgender children and their families has been staggering. How are you legislating what rights my child should have without having the basic knowledge and understanding? We are tirelessly trying to help lawmakers understand while also working full time and most importantly, supporting and caring for our own children and all of the others to whom this state is actively saying you do not belong. We have walked this journey next to our transgender son, a journey that began very young, watching and wondering how to best support him. We saw the many signs over the years and to be honest, we struggled not because we did not want to accept him, but because we feared the greater world's reaction of hate and intolerance around individuals. Today, our son is confident, healthy, talented and creative. He plays basketball and soccer as well as the double bass and the cello. He climbs ninja courses and skateboards. He cares about animals and the earth. He is a leader in his class and a friend to many at his school. We can't imagine if we tried to force him to be something he did not want to be to appease the discomfort of others. We reflect on our lives about where we started and where we are now supporting the LGBTQ community against LB574, LB575, and LB371. We were there on March 31 as the LGBTQ community and allies gathered at the Capitol in protest of these bills. As we marched with others around the Capitol that evening, we noticed that there were no counterprotesters.

KELLY: One minute.

DAY: Thank you. We assumed there would be at least a few people with anti-gay picket signs, but there was no one. This confirmed to us that outside of the senators who support these bills, most Nebraskans do not support these bills. As one former senator testified, these bills are solutions in search of a problem. Nebraskans should consider the harm these bills drafted and pushed through from outside groups are causing our state. The introduction of these bills have created an atmosphere of toxicity and divisiveness in our Legislature to the point that it has stalled the business that really needs to be conducted. And I think I'm about out of time so I will yield the rest of my time and finish later. Thank you, Mr. President.

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

BALLARD: Thank you, Mr. President. I rise in support of LB574 and like to yield the remainder of my time to Senator Holdcroft.

KELLY: Senator Holdcroft, that's 4:52.

HOLDCROFT: Thank you, Lieutenant Governor. And again, I just want to finish up this letter that we received from a constituent. Again, a teacher, a high school teacher of ten years who has her own 15-year-old and she's expressing some of the things that she has witnessed over the last few years. And she kind of has an interesting conclusion to her letter. She says, though not surprisingly, behind much of this is the money aspect. It all-- it is, it's also very concern-- concerning that there is a growing market that seeks to profit off these vulnerable kids and their families. Reports vary, but I discovered it costs roughly \$50,000 for all the drugs which are needed for a lifetime and surgeries. That's a college education. The industry is value, is valued at about--- in U.S. dollars, 2 billion U.S. dollars and growing. The fact that it is a growth market with promotion involved is something to be seriously considered. As I watch the few kids that I know who have been medically transitioning, my heart breaks. I care about them so much and I just want them to be happy and healthy. I haven't seen any mental health or physical health benefits so far. Their peers continue to grow taller than them and they often miss school and learning opportunities. I worry that they have been victims of a profit-driven industry and exploited by identity politics and their real underlying issue is going unaddressed. And I wonder how many more will follow and I feel like I can do some-- I can, I can do nothing to help or stop it. I just want to tell them they are perfect and beautiful and loved just the way they are and they don't need drugs or surgery to fix it. They just need to give themselves time and focus on healing the inside before doing anything drastic on the outside. I grieve the idea that I may have had any part in encouraging or affirming this harmful trend. Now I am really committed to having as neutral of a classroom as possible. I could go on and on about all I've learned about detransitioners, the side effects, the various studies and write a more academic piece. But you already have many of those stories and studies. I know we can't solve all the mental and physical health issues or fix all of society's complex problems instantly, but kids should at least have a chance to grow up before making adult life-changing decisions, just like so many of our other laws. I hope it has helped to learn my personal experience and what I've-- what I'm seeing in the culture and classroom, the mental health struggles, and how easy it is to have good intentions missed-- misused. I also wanted to show how someone who changed their mind on this topic, and that is indeed possible. So with that, I would like to ask if Senator Kauth would yield to a question.

KELLY: Senator Kauth, will you yield?

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KAUTH: Yes. Thank you.

HOLDCROFT: Senator Kauth, I was wondering if you could share any other insights from, from other organizations or associations on this topic?

KAUTH: Absolutely. And I did want to address Senator Day. The fact that there were no people protesting gays on March 31 proves the point. This is not about being anti-gay or anti-trans. This is about protecting children. The International Journal of Transgender Health, which is the official journal of the World Professional Association for Transgender Health. These are the standards of care for the health of transgender--

KELLY: One minute.

KAUTH: --and gender-diverse people. Thank you. Version eight, page S44, regarding adolescents, cognitive development in adolescents is often characterized by gains in abstract thinking, complex reasoning and metacognition, which is a young person's ability to think about their own feelings in relation to how others perceive them. The ability to reason hypothetical situations enables a young person to conceptualize implications regarding a particular decision. However, adolescence is also often associated with increased risk-taking behaviors. Along with these notable changes, adolescence is often characterized by individuation from parents and the development of increased personal autonomy. There's often a heightened focus on peer relationships, which can be both positive and detrimental. Adolescents often experience a sense of urgency that stems from hypersensitivity to reward and their sense of timing has been shown to be different from that of older individuals. I want to talk about the hypersensitivity to reward. Currently in our culture, there are rewards.

KELLY: That's your time, Senators.

KAUTH: Thank you.

KELLY: Thank you, Senators Kauth and Holdcroft. Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. And colleagues, I rise again in opposition to LB574 and still in favor of the bracket motion. So we're obviously going to continue talking about a number of these subjects and I, I do want to get a little bit more into the law that my, my rowmate, Senator Cavanaugh, was talking about there. But one of the things I wanted to also touch on is we've heard, both today and on

General File, this discussion of this sort of concern that folks have regarding this purported uptick in the amount of people who are trans or identifying as trans as people will say. There's been use of the phrase social contagion. There has been use of, I think, this general fear-mongering tactic, whether intentional or not, where people have claimed that all of a sudden, there's just this massive amount of people who are identifying as trans in some effort to, I don't know, be counterculture or to stand up to their parents or something. And I just really, really want to push back on that to any of my colleagues who are listening. We know for a fact that trans folk have always existed and we know for a fact that gay people have always existed. We know for a fact that, let's say, interracial couples have always existed. And what we know is that time and time again, when society becomes more open to recognizing somebody's personhood, somebody's dignity, or when they become more open to acknowledging the existence of a certain relationship, people start coming out of the shadows and talking more about their life. The Gallup poll, which everyone here knows about, back in I think 2012, for the first time, started asking folks if you identified as part of the LGBTQ community. And I think-- and I'm remembering this from last time I checked, so I apologize if these numbers are not exact, but about 3.5 percent of people in 2012 identified as LGBT. Look at the most recent numbers we have and that's gone up to about 7.5 percent of all people interviewed by Gallup identify as part of the LGBTQ community. I don't for a second believe that that number actually doubled, but society has moved forward in a way that people don't feel terrified when they get a phone call to tell that person on the other end of the phone who they actually are and who they love. And so the idea that this is a sudden problem and that we are just now finding ourselves in a situation where we have to deal with this is simply not true. People have always loved who they were going to love. People have always been who they are inside. People have always dressed how they were going to dress. And we talked on General File at great length about people in all of history who have been trans. And so I just-- I want to push back on the notion of social contagion. I think it's offensive to call it that. I think you are trying to minimize people's personhood. I think you are trying to treat this as something that can simply be fixed by legislation when the people that we're talking about don't have to be fixed. They need to be loved and they need to be cared for. So I want to make sure that I make that point because this is not some new problem. It just has become the focus of people who perhaps weren't paying attention before. In addition to that, one thing we hear about time and time again in this body is that parents should have the ability to make decisions about their children's lives. And our courts-- our Supreme

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Court has, over time, acknowledged over and over again that there is a fundamental right that a parent has to the child rearing that they do in their family. That under the Fourteenth Amendment, you have a substantive due process right to raise your children the way that you see fit. And in fact, this Arkansas case that we've talked about here before that is currently being held up by the courts-- and Senator Cavanaugh was talking about this as well-- specifically found--

KELLY: One minute.

DUNGAN: --thank you, Mr. President-- specifically found that the Arkansas law, which is almost identical to the law that we're talking about here, improperly and unconstitutionally violated the substantive due process clause in such a way that it violated the right for a parent to make choices for their children. And the reason for that is in order to survive that kind of scrutiny, you have to prove that there is a compelling governmental interest and that that law is narrowly tailored to that compelling governmental interest. And what the courts have found is that this is not a compelling governmental interest. Not liking the outcome of medical procedures does not rise to the level of a compelling governmental interest and therefore, it was found to be unconstitutional under that and other claims. So, colleagues, again, this law is problematic for a number of reasons. I do believe it is unconstitutional. It is currently being held up by the courts. Let's not enact a similar law in our state. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Mr. Clerk, for items.

CLERK: A notice, Mr. President. The Appropriations Committee will hold an Executive Session at noon today in Room 1307. Appropriations, Exec, noon, 1307. Additionally, a priority motion. Senator Bostelman would move to recess the body until 1:00 p.m.

KELLY: There's a motion to recess. All those in favor say aye. All those opposed, nay. We are recessed until 1:00.

[RECESS]

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

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

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

CLERK: I have no items at this time.

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

CLERK: Mr. President, LB574. When the Legislature left at noon, there was a pending motion from Senator Hunt to bracket the bill.

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

RAYBOULD: Thank you, Mr. President. I speak in opposition to LB574, in support of the bracket motion. You know, one of the things that I always love to talk about and I think that every single senator here should read thoroughly is our Blueprint Nebraska. It really gives a roadmap and guideline on how we can be a better state, both economically and a more welcoming state. And what I find is that every step that we've taken in this Legislature is like taking three steps backwards. One of the things that Blueprint Nebraska talks about that I think everyone in this Chamber should be worried about, they say to be-- to remain a vibrant place for business, the state must create an environment that enables entrepreneurs and their companies to succeed. Nebraska has difficulty already retaining and attracting young talent. We're ranked 39th, 39th, right at the bottom, among all states. In addition, Nebraska recorded one of the lowest growth rates, 0.5 percent, for the population of 25- to 29-year-olds. Nebraska is losing people in the war for talent to other states. The state lost about 3,300 residents to other states in 2018. And I don't know if you read the Lincoln Journal, but David Drozd, who is a demographer at the University of Nebraska of Omaha, phenomenal, he just said two days ago, we're continuing to lose young people out of our state. And when we pass bills that don't focus on jobs and quality of life and things that will help retain our young population, we're shooting ourselves in the foot. I just want to say that we need to be a welcoming state. Blueprint Nebraska talks about diversity and inclusivity. And certainly, I can say that we are not even coming close to the mark or the benchmarks we need to be as a state if we want to grow our economic vitality and vibrancy and viability. I want to share with you what young people have been saying and writing and emailing to me about LB574. Dear Senator Raybould, thank you so much for talking with me and a small group during OutNebraska's lobby day. We're glad to have you as an ally in this work. As you said, we should support folks both staying and coming to Nebraska and being welcoming and inclusive to the LGBTQ+ community is, is a critical part of that. Dear Senator Raybould, thank you for taking the time to chat regarding bills

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impacting the LGBTQ+ community here in Nebraska. I appreciate your advocacy for trans youth and ensuring that people like me feel welcome in our state. I have dreams of staying in Nebraska, but I don't think I will if policies like these pass. Your defense of queer Nebraskans means the world to me, so thanks to you for all you do. Keep fighting the good fight. Dear Senator Raybould, thank you for taking the time to speak with us today. It's reassuring to have a representative who serves the state and its people with the understanding that a better Nebraska makes space for all of us. Mr. President, I would like to yield the rest of my time to Senator Day.

KELLY: Thank you, Senator Raybould. Senator Day, you have 1:15.

DAY: Thank you, Mr. President, and thank you, Senator Raybould. I am going to continue the letter that I was reading earlier from William and Jill Manhart. On the bright side of all of this, our family has become much more politically active. We have made connections in our community and across the state. As our oldest child said--

KELLY: One minute.

DAY: --thank you. As our oldest child said, love builds communities, hate builds nothing. We and other parents who are voters and taxpayers are now paying attention to what our senators are doing. Our children are also paying attention to what our Legislature is doing. They are the future voters. And do not say you are "protecting children" with these bills. We continue to witness the harm, the mere existence of these bills are causing children daily. We are holding the children that you are harming. We spoke to many senators who shared they did not support LB574. They said they felt the government had no place in people's personal medical decisions. Yet we watched as those same senators voted to advance this bill. Remember that transgender children and their families have the right to healthcare, the right to make decisions with their medical professionals--

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

DAY: Thank you, Mr. President. Remember that transgender children and their families have the right to healthcare, the right to make decisions with their medical professionals to best support their needs, the basic human rights that are afforded to all other children and families. Those decisions are for parents and medical professionals, not for the government. The idea that this attack on our family and our rights could somehow be made better by an amendment drafted and debated by people who refuse to listen to medical

professionals and family like ours is absurd. Senators do not have permission from our family or others to accept an amendment that violates our rights as parents and Nebraskans. This bill cannot be made better. You cannot compromise the rights of families like ours without compromising the future of our state. And again, that's from William and Jill Manhart of District 15. Back to the testimony, the committee tes-- testimony from LB574, from Ms. Rachel Ogborn: when my child's voice dropped, the world went dark for her. I didn't know this as I made cute comments about my baby growing into a man. However, eventually I found out her truth. After several emergency room visits, after evaluation by two different therapists and multiple professionals at UNMC, which is one of the best medical centers in the country, she was able to start testosterone blockers and estrogen. I went from having a suicidal, depressed, self-harming son who didn't see himself in the future at all, to having a happy, healthy daughter who smiles and talks at the dinner table. She wakes up early for school now and she's excited to see her friends. Thank you. Sorry. Now she's making plans for her future. Unfortunately, one of those plans is running as far away from Nebraska as she can. She feels under attack when she sees this bill and others in the media. And she said that-- she told me that she's scared she's going to be a part of the next genocide in history. I know that the worry behind this bill is not wanting things forced on children and I absolutely agree with that sentiment. I'm not forcing this upon her. I would never in a million years wish struggles upon anyone like this, especially my own child. I wish that I could just have-- that she could have a normal high school experience and the easiest life possible and that neither of us had to worry about her losing her medical care. If anyone's forcing anything upon her, it's anyone who endorses this bill. By denying her medical care, they'd be forcing their ideals and their desires upon my child. It's not the legislator's job to tell my children's doctor that she can't have healthcare. It's not any legislator's job to invalidate medical research or disregard statistics and data or make a moral show of my daughter's existence. I don't know why I'm here begging you guys to listen to medical professionals. I don't know why you're threatening the jobs of experts. How would you feel if someone denied you healthcare because they didn't believe in your medical needs? I urge you, please don't take away my daughter's right to receive healthcare and pursue happiness. Please don't threaten her existence in legislative bills. And if it makes you feel any better, neither myself nor my daughter have ever considered surgery for her as a minor, but it's absolutely nobody else's business anyway. I just want her to live into adulthood. Thank you and I'm so sorry I cried all over you.

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KELLY: One minute.

DAY: Thank you, Mr. President. Senator Cavanaugh asked her, Mrs. Ogborn, Ms. Ogborn, about her daughter and asked what her interests were. She said, well, she can find anything that nobody else cares about and make it interesting. I don't know. She loves, she loves everything. She reads books and tells me all about them. The most recent book she read, I think, was called Scythe and it was about some futuristic society and was telling me all about it. She loves reading. She is the Dungeon master for her D&D club at school, she joined a sign language club at school. By the way, she was never a part of any club at school before this year. She's also a part of the SAGA Club at school, which is a sexuality and gender alliance for kids that don't quite meet the norm. They meet after school. She likes watching movies, she loves anime--

KELLY: That's your time, Senator.

DAY: --and playing video games. Thank you, Mr. President.

KELLY: Thank you, Senator Day. Senator Wayne would like to recognize his cousin, Tristan Scorpio, who is under the south balcony. Please stand and be recognized by the Nebraska Legislature. Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I love that we are now hearing the stories that we are validating the experiences of these trans families. I think it's important to get that on record. With that, I do stand in support of the bracket, bracket to-- I do stand in support of Senator Hunt's bracket-- motion to bracket it and I do not stand in support of LB574. So with that, I hope people are actually listening because I know we have a lot of chatting going on because there's so many people here that already know how they're going to vote. I'm going to bring up some things that I've talked about before and I really want you to consider these things. The bill itself is flawed. Take out your speeches about where you think this is some kind of trend where doctors are making money off of these kids, which is ridiculous because I also didn't hear you guys standing up against circumcision. Think of all these, these children that lost their foreskins without their permission. That is the number one surgery in the United States and an unnecessary surgery medically. But, of course, that's not really the issue, is it? The issue is that you claim to be about the children. You claim, based on junk science, that this is bad for the children and that their parents don't know what's best. So when you look at this bill, here's one of

the flaws that you guys are missing. And I don't know why I always tell you where your flaws are in your bills, because you keep passing these bad bills that do nothing. I go back to LB814. LB814 did nothing except it make it more dangerous for a woman to be a woman. But you passed it. You just passed a bill that codified something and gave more power to the executive branch. You guys passed that. So let's talk about some of the flaws in this bill. I'm a female bodybuilder. I'm a teenager that's in sports that's a female. I identify as female. I decide I need testosterone and I take it and I get it from GNC. Based on this bill, by adding that additional testosterone, I am now committing a crime. You guys realize that, right? You read the bill. You're still stuck in the culture war part of it. You're not paying attention to the actual text of the bill. Let's talk about parental consent. It requires a minor to obtain his or her parents' consent before receiving elective medical treatment, such as an abortion. So we're giving the parents their due responsibility to give that child permission or not to have permission to get any type of, of medical care, including compassionate care for children that are trans. If a 15-year-old comes in with a baby to a doctor's office and the baby is sick and the mom goes, doctor, I also need you to look at me. I think I have the flu. Legally, the doctor can only treat that baby, but the 15-year-old is still a minor and they need parental consent to be treated. But here's where your flaw is in your bill. What about emancipated Nebraskans? When you are an emancipated minor, for those that are actually listening, when you are an emancipated minor, you get the parental responsibilities of being able to say, yes, I need this medical treatment. But you've crafted, crafted a law based on age. How is that legal? If I am emancipated, I can make my own medical decisions regardless of how old I am. So I think we're going to have a lot of kids going to court here to get emancipated to get the care that they need and well they should be able to do that. You keep writing these bills in reference to culture wars and you don't read them.

KELLY: One minute.

BLOOD: Instead, you spit out junk science, you talk about how it's for the babies, it's for the children. Well, if it's for the babies and it's for the children, why don't you do your due diligence and write a bill that makes sense? Instead, we are going to have so much collateral damage from this bill and we're going to be in court so long, I don't know if the state's going to be able to afford that. Because I certainly encourage people that are having their rights violated to hold Nebraska accountable, because we are knowingly doing this in the body. We are knowingly passing this bad legislation and we

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are knowingly trampling on your rights and we don't care. And we're going to keep doing that and keep doing that until the next culture war comes. First, it was voting, now it's the trans community. What's next? I don't know, but I bet they're coming after you next. Thank you, Mr. President.

KELLY: Thank you, Senator Blood. Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. This is, I'm certain, my last time to talk. I can't see them because I can only see the other balcony. I can't see this balcony, but I know that they're all up there. I know that the families that this is going to impact are up there. I know that the parents are up there. I know the parents. And I wish I could see you. I wish I could look at you right now while I'm talking. And I'm just sending you all of my love. I'm sending you all of my love. And I will continue to do everything that I can for your children and I hope, I hope that you know how much you matter and how much you are loved and that I will give everything that I can for your children, just like you would give everything you can for your children. I am going to give you everything I can for your children and I will continue, no matter what happens today, I will continue-- and I am sorry that there's nothing more I can do within my control. I am doing everything I can within my control and I'm sorry. I am sorry, but you are loved and you are great parents and you have shown up for your kids in ways that are unimaginably hard and I am grateful to you for that. And I'm sorry that your children have been brought into this. And I'm sure there's going to be some really fabulous meme of me doing an ugly cry and I don't care. You are loved. Your children are loved. You matter. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Dover has some guests in the north balcony, fourth graders from Jefferson Elementary in Norfolk. Please stand and be recognized by your Nebraska Legislature. Senator Riepe, you're recognized to speak. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. I wanted to just clarify a quick point for my good friend, Senator Erdman, in regards to the oath that we take when we pledge to serve the people in this august institution. We commit to upholding the Constitution of the United States and of the state of Nebraska. Article III, Section 1 includes the fact that Nebraska has a one-house Chamber. Article III, Section 7 in the Nebraska Constitution includes the fact that we have a nonpartisan Legislature. I just wanted to, to

make that part clear. I know it's late in the session and people are tired, but there are some things that we shouldn't have disagreements about and that's the basic structure of the institution and the fidelity to our oath. The one piece that I wanted to focus my remarks on, perhaps more generally, are two components in relation to the bill. There's been a lot of discussion about the pending amendment and whether or not that a state may help to alleviate some fears and concerns by some members about the extreme nature of the measure unamended, as proposed. And I do just want to acknowledge that some of the people that are looking at that amendment are looking at it with open minds and big hearts. I also want to acknowledge that no type of amendment may be acceptable to those that see this as a human rights violation, as a violation of fundamental family rights and an act of harm against trans youth in Nebraska. So I think that's pulling out a lot of heartstrings and furrowing a lot of brows. But what I want to remind the members who are looking carefully at that proposed amendment by Senator Kauth is that that amendment concedes that counseling is appropriate. That amendment concedes that hormone blockers and other treatments and services are appropriate. It's a concession that essential healthcare should not be denied to trans youth by their government. And I want to acknowledge that because they're not all of a sudden talking about that amendment today or talking about it in different ways than what was previously proposed. The final piece that I wanted to leave you with, it's-- probably be my last time on the mike before cloture, is that how critical it is that we think about role of government. And even if we have different points of view as to how we would take up medical care for our children if they identify as trans, that's a family decision in consultation with medical professionals. It is not for the heavy hand of government to deny human rights, parental rights and essential care for a certain aspect of its citizenry. And to the trans Nebraskans--

KELLY: One minute.

CONRAD: --thank you, Mr. President-- and their families and their allies and all of the advocates in the medical community and otherwise working on this measure, I know it's painful. I know it's harmful. I know it's divisive. But I encourage you, as we're trying to do in this Chamber, to not give up, to lean in harder, to love harder, to not shy away, to be more visible, to be more resolute, to stand in solidarity, to build community and recognize nothing about this vote is going to be because it's right or medically required. What you're going to see is an exercise of raw political power. And it doesn't define you and it doesn't define your allies and it doesn't define your future.

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KELLY: That's your time, Senator.

CONRAD: And we stand with you.

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

HARDIN: Thank you, Mr. President. I found an article written by Ryan Anderson, president of the Ethics and Public Policy Center and author of *When Harry Became Sally*. In his article, *Transgender Ideology is Riddled with Contradictions*, he brings out some serious questions about transgender ideology. When speaking about transgender activists, he says, on the one hand, they claim that the real self is something other than the physical body in a new form of Gnostic dualism. Yet at the same time, they embrace a materialist philosophy in which only the material world exists. They say that gender is purely a social construct, while asserting that a person can be trapped in the wrong gender. They say there are no meaningful differences between man and woman, yet they rely on rigid sex stereotypes to argue that gender identity is real while human embodiment is not. They claim that truth is whatever a person says it is, yet they believe there's a real self to be discovered inside that person. They promote a radical, expressive individualism in which people are free to do whatever they want and define the truth however they wish, yet they try ruthlessly to enforce acceptance of transgender ideology. It's hard to see how these contradictory positions can be combined. If you pull too hard on any one thread of transgender ideology, the whole tapestry comes unraveled. If gender is a social construct, how can gender identity be innate and immutable? How can one's identity with respect to a social construct be determined by biology in the womb? How can one's identity be unchangeable, immutable, with respect to an ever-changing social construct? And if gender identity is innate, how can it be fluid? He goes on to ask how a person feels affects reality on the issue of sex but on nothing else. The way we feel doesn't change our age, height or race. Why can't a 17-year-old not identify as being 21 and go get a drink or a 12-year-old decide they're actually 16 and go get a license? If we must accept transgender as reality, then we must throw out all other areas of society which dictate reality. LB574 is about protecting children. I support that and I stand in opposition to the motion. I yield the rest of my time to Senator Kauth.

KELLY: Senator Kauth, that's 2:04.

KAUTH: Thank you, Senator Hardin and Mr. President. I'd like to address something Senator Conrad mentioned. The amendment that we

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offered was not a concession that puberty blockers and cross-sex hormones are OK in any way, shape or form. It was an olive branch and that olive branch has been roundly rejected, so here we are. I'm going to read some more from the International Journal of Transgender Health, which is, again, the official Journal of the World Professional Association for Transgender Health. Despite the slowly growing body of evidence supporting the effectiveness of early medical intervention, the number of studies is low. There are few outcome studies that follow youth into adulthood. A systematic review regarding outcomes of treatment in adolescents is not possible. Some adolescents may regret the steps they have taken. Therefore, it is important to present the full range of possible outcomes when assisting adolescents. Detrans--

KELLY: One minute.

KAUTH: --thank you-- detransitioning may occur in young transgender adolescents and healthcare professionals should be aware of that. There's limited data on the optimal timing of gender-affirming interventions, as well as a long-term physical, psychological and neurodevelopmental outcomes in youth. And finally, diverse gender expressions in children cannot always be assumed to reflect a trans gender identity or gender incongruence. These are from their own standards of care. They are questioning their care and the stuff that they put out. We cannot give these to kids. We need to protect the children from getting these types of cross-sex hormones, puberty blockers and surgeries. We need to encourage them to get the therapy they need to deal with the issues that they're experiencing. Thank you, Mr. President.

KELLY: Thank you, Senator Kauth. Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. Good afternoon. I haven't been on the floor a lot lately. We were doing Appropriations Exec Committee. That's going well. Hope we get that done this week. Senator Hardin, I appreciate your comments. They were right on. They were very good. Here's a question that people have asked: Is gender dysphoria for children a permanent condition and one that requires medical treatment? Here's what it says. Research shows that dysphoria in children usually goes away on its own when they reach young adulthood if transition is not encouraged. This avoids the harmful effects across medical intervention. Eighty-five percent of the young people who are left to make their decision their own when they become adults don't do transition. So I have been in this Legislature a little over

six and a half years. We have on numerous occasions tried to repeal Nebraska's helmet law. And every time that we have talked about that on this floor, the conversation goes to the fact that we're going to have to treat all of these people who have brain injuries from not wearing a helmet, riding a motorcycle and it's going to drive up our Medicaid costs because we're going to have to pay for their healthcare. And I know it's been stated that Medicaid doesn't pay for transition or puberty blockers at this point in the game. So let's consider this thought. Let's consider somebody has had surgery or puberty blockers and has-- and many have read on the floor what happens when you do those things. You have medical consequences far reaching beyond your youth. So let's assume that these people have had puberty blockers or a sex change operation and they have health issues going forward and now they're on Medicaid. Who pays for that? It's quite obvious what the answer is, but we don't seem to want to talk about what the consequences are of what we're trying to do or what puberty blockers do or the surgery does. So I think it's important that we consider that because at some point in time, Medicaid is going to have to make a decision. Is that treatment that we're offering caused by their own decision to take puberty blockers or have a surgery or is it something that we normally cover now? And we haven't spoken about that at all, but it is an issue that needs to be dealt with. And so let's wait until these-- let's make these children or let these children wait until they're 18 or when they're able to make their own decision. By then, they may have grown out of that opinion and we won't have to deal with all of these. I am standing against the bracket motion and I am in strong support of LB574 because I believe we need to protect children in the state of Nebraska. Thank you.

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

KAUTH: Thank you. I'm going to read some of the problems with transgender procedures. The APA Handbook on Sexuality and Psychology states that premature labeling of gender identity should be avoided. This approach runs a risk of neglecting individual problems the child might be experiencing. In the Nordic Journal of Psychiatry in 2020: an adolescent's gender identity concerns must not become a reason for failure to address all his or her other relevant problems in the usual way. Trans identification and its associated medical treatment can constitute an attempt to evade experiences of psychological distress. And then let's talk about minors cannot give consent. In the UK High Court, in Bell v. Tavistock-- and Tavistock was the largest gender clinic in the world. They have been shut down. They are in the process of ceasing their services because of the abuses, very similar to what

was happening in Missouri. There is no age appropriate way to explain to many of these children what losing their fertility or full sexual function may mean to them in later years. We're talking about kids. They have no way to understand the ramifications of these long-term decisions. So gender-affirming care is not evidence-based. These interventions are being endorsed based on consensus, not actual evidence. The Dutch studies, which have been the foundation of transgender procedures, have been discredited. They form the foundation, the best available evidence for the practice of youth medical gender transitions, but their method-- methodological flaws, subject selection ensured that only the most successful cases were included in their results. The finding that resolution of gender dysphoria was due to the reversal of the questionnaire that they employed. Concomitant psychotherapy made it impossible to separate the effects of the psychotherapy from those of the hormones and surgery. So with, with the Dutch protocol, they don't know whether or not it was all the therapy that they were doing or if it was actually the hormones and the surgery. Longitudinal analysis of patient records from the world's largest gender clinic, Tavistock, showed that there was no difference in the suicide rate for those who had not yet received treatment and those who had received treatment in the form of puberty blockers and cross-sex hormones. Data from the Worlds This clinic accumulated over an 11-year period, found that the proportion of individuals who died by suicide was 0.3-- pardon me-- 0.03 percent, which is an orders of magnitude smaller than the proportion of transgender adolescents who report attempting suicide when surveyed. Actual deaths are much lower than perceived deaths. Suicide is never something to mess around with. It is serious. It should always be taken seriously. There are many different aspects to it. It is a multidisciplinary-- it's multicomplex, it's not just one thing. And when we start telling kids that if this happens or if this doesn't happen, you might commit suicide, it sticks in their brain. The physical risks and side effects of taking the puberty blockers and the cross-sex hormones-- the bone development problems. Many of you have seen Scott Nugent talk about his bone deform-- deformations, where he is already losing bone density. And he started as an adult. Brain development problems.

KELLY: One minute.

KAUTH: Thank you. The brains of youth are constantly growing and developing. Adding these hormones to them does not help. It stops the development. It makes it much more difficult for them to actually grow to their full potential. The FDA has added a warning label for puberty blocking hormones, which would be Lupron, to monitor patients taking

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the GnRH agonists for signs and symptoms of pseudotumor cerebri, including headaches, papilledema, blurred or loss of vision, diplopia, pain behind the eye or pain with eye movement, tinnitus, dizziness and nausea. They're talking about brain bleeds. That's what can happen when you put kids on these treatments. These hormones have only been approved for precocious puberty, not gender dysphoria in pediatric patients. They are not approved for halting normally-timed puberty and that's what we're talking about. We're talking about stopping a natural--

KELLY: That's your time, Senator.

KAUTH: Thank you.

KELLY: Thank you, Senator Kauth, Kauth. Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. I don't even know what to say. I want to speak to the trans kids of Nebraska and the people that are affected by this. I want to speak on the record to my colleagues who are moveable, who are in the middle, who don't want this bill to pass, but it changes minute to minute. But it sounds like your masters have circled the wagons, whipped all of you up and they've got you all on board, because it's more important to discriminate against kids than to lose, to have the perception that you've lost, to have the perception that Megan and Machaela won. To paraphrase, you know, what Elie Mystal said on the radio last weekend, you would shoot yourself in the foot if it might go through and hit me or Machaela or my kid. The reasons for the fight, the reasons for the stubbornness and the grudges and the obstinance are not equal. I am fighting for my rights as a parent. I am fighting for the human rights of children in this state and I'm fighting for the humanity of LGBTQ people en masse in this state. You guys are fighting to be right. You guys just want to win. You're fighting to teach us a lesson and you're giving up the whole session to do that. And this actually illuminates something that's been perplexing me since last night. Senator Jen Day got on the microphone last night and talked about how she went out into the Rotunda and an abortion opponent got in her face and was telling her she was disgusting. And, you know, when you're speaking passionately to someone and they're doing it in your face, they get spittle on you. She's nodding. Yeah. That's happened to me so many times here. I don't-- I'm sure it's happened to Jen Day more than one time. But I've already heard stories of at least three of you who came to her in tears or who had been crying about it under the balcony going, oh, look what our democracy's turned into. People are spitting on each

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other. This is the height of, of injustice. No, what's unjust is passing a bill to ban healthcare. I don't care if people spit on me. Don't vote to ban healthcare. It, it, it is so illustrative and instructive of what's wrong with all of you that you think it's worse to be spit on than to have your rights taken away. Senator Day's nodding, too. The offense is not the spit. The offense is your vote, which takes away the civil rights of people to control their own bodies and futures and the generational impacts that has. But you think the bad thing is to get spit on. You think the bad thing is to, quote unquote, lose when that's exactly what the people affected by this bill go through every single day. You guys are going to be fine. And by the way, you're going to be able to pass the group of bills. You're going to be able to pass all kinds of things, this and that, because we're going to stand down. But you can't even give yourselves that win. You can listen to Senator Kauth who came in here with an agenda to discriminate against LGBTQ people--

KELLY: One minute.

HUNT: --or you can listen to a parent who's actually literally gone through this, who has gone through the years of counseling, who's gone through the doctor visits, who's spoken to these doctors. Kathleen Kauth is saying, here's what doctors say to parents, No, they literally don't. I'm one of those parents. It is not the standard of care to say if you don't give your kid surgery, they're going to kill themselves. No doctor would ever say that. That's not happening in Nebraska. Look up in the balcony. The doctors up there are nodding in agreement. There are people here who give this care and there are people here who work with you in this body who have received this care and you don't believe them. I-- this is the blind for me, guys. Like, our relationship is really done. It's really done. Like, please never speak to me again. It's done.

KELLY: That's your time, Senator.

HUNT: Irreparable.

KELLY: Thank you, Senator Hunt. Senator Murman, you are recognized to speak.

MURMAN: Thank you, Mr. Lieutenant Governor. I would like to just say I really appreciate Senator Kauth for what she is doing. She's brought a bill that the vast majority of Nebraskans believe that it will protect Nebraska's children from these hormones and chemicals that are not approved for what some would like used on children and also to protect

those children from the surgeries, of course, that are irreversible. But on that note, I know Senator Kauth in her earlier testimony, was talking about the side effects that can happen from-- that do happen from the hormones that are, are used. And I'm just going to go through and I don't know if it's been done for a while, so-- or if it's actually been done in the testimony. But I'll just go through some of the side effects that happen. Suppressed puberty is often presented as a relatively safe and reversible modality. However, one cannot ignore the fact that this has been linked to the potential for altered timing of pubertal growth spurt, delayed fusion of bone growth centers which may affect adult height, decreased bone density, osteopenia and osteoporosis, increased risk of both arterial and venous clotting agents-- events, emotional instability, for instance crying, irritability, impatience, anger and aggression, suicidal ideation and attempt, convulsions, decreased white blood cells, diabetes mellitus, paralysis, hypertension. Beyond those physiologic risks, delaying puberty beyond that of their peers can be emotionally stressful and predispose the child to experiencing lower self-esteem. Hormone therapy carries potential adverse effects at all ages and there are additional concerns related to use before adulthood because of the irreversible effects a child or adolescent could be left with if they decide to detransition or desist, for example, lower voice, male pattern hair, an enlarged clitoris in trans masculine youth, breast development in trans feminine youth, compromised ability to have a genetic child in those who end-- those whose endogenous puberty was suppressed early in puberty. So I just thought it'd be a good reminder to give those side effects of these chemicals that are not approved for what some would like done in children. And with that, I will yield the rest of my time to Senator Kauth.

KAUTH: Senator Kauth, you have 1:23.

KAUTH: Thank you, Mr. President. And thank you, Senator Murman. I'd like to address what Senator Hunt said. When you tell people like Luka Hein, our Nebraskan who had this happen, when you tell her that her experience of having a doctor tell her and her parents that she would-- was suicidal against what she was saying and that they can either have a--

KELLY: One minute.

KAUTH: --dead daughter-- thank you, Mr. President-- or a live son. When you claim that that never happens in Nebraska, you do an incredible disservice not just to Luka, but to every other youth or adult who has gone through this and has decided it was the wrong

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choice. I made a mistake. This still doesn't feel right. By claiming that this never happens here, you are absolutely delegitimizing and erasing the pain of Luka Hein and of other people who have gone through detransitioning. Thank you, Mr. President.

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

von GILLERN: Thank you, Mr. President. I yield my time to Senator Kauth.

KELLY: Senator Kauth, that is 4:54.

KAUTH: Thank you very much. I want to talk about some of the trends. We have heard a lot about how this is a social contagion, how this has started within the last ten years. We've really seen an increase around the world. Point zero three percent of people are transgender or experience trans-- transgenderism. That's one in 10,000 people. It historically has been primarily males transitioning to female. That has completely flipped. It is now predominantly young women who are experiencing this. When one person states that they're trans or non-binary, three and a half of the people in their friend group come out at the same time. When we saw the lockdowns in 2020, you can see very clearly on the charts, that in March of 2020, all of a sudden there was a rise in the reports of gender dysphoria. And what happened in March of 2020? We had a pandemic. We closed down society. We took kids out of their schools. We took them away from their friends. We scared them and we gave them access to social media. And when you go on social media, there is a tremendous amount of this sort of influence. Helping kids understand that they need to take the time to figure out what's going on and why they feel gender dysphoric is critically important before any type of permanent physical actions are taken. You cannot "untake" these actions. I think one of the saddest conversations that I had with a youth who is dealing with this: a young man who is transitioning to a girl. And his comment to me when we talked about detransitioning was, if I don't like it, I'll just go back. I'll get it reversed. And I had to explain to him that there are some things you cannot undo. A teenager does not have the capacity to make that determination. They don't understand how long life truly is and all of the things that are going to happen to them. To give them these medications and these cross-sex hormones and the surgeries before they have even gotten the chance to be an adult is wrong and we need to protect our children. I yield my time.

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

LOWE: Thank you, Lieutenant Governor. In 1977, I was a junior at Kearney High School and on the high school yearbook and newspaper staff. I had heard that there was going to be a local press conference and where a nationally known radio host was being interviewed. Being young and not knowing protocol, I grabbed my school's Kodak Duaflex camera. Some of you press might want to look that up. And I checked out of school. I was able to get past the press checks and get into the room and in the front row. The radio host was a soft spoken-- and impressive, as he had the room in the palm of his hands. I tell you this to quote one of his most astonishing monologues, and it was done in 1965, almost 60 years ago. There were at least 18 senators not even alive at that time and a few more-- [RECORDER MALFUNCTION] If I were the devil, if I was the prince of darkness, I'd want to engulf the whole world in darkness. And I would have a third of its real estate and four-fifths of its population. But I wouldn't be happy until I had seized the ripest apple on the tree, thee. So I would set about however necessary to take over the United States. I'd subvert the churches first. I'd begin with a campaign of whispers with the wisdom of a serpent. I would whisper to you as I whispered to Eve, do as you please. To the young, I would whisper that the Bible was a myth. I would convince them that man created God instead of the other way around. I would confide that what was bad is good, and what was good is square. And to the old, I would teach them to pray after me, our father, which art in Washington. And then I'd get organized. I'd educate the authors how to make lurid literature excite-- so exciting that anything else would appear dull and uninteresting. I would make TV look worse than movies and then make movies look, look worse than TV in a vicious cycle that gets worse and worse. I'd peddle narcotics to whomever I could. I'd sell alcohol to ladies and gentlemen of distinction and I'd tranquilize the rest with pills. If I were the devil, I'd soon have families at war with themselves, churches at war with themselves, a nation at war with themselves until each in its turn was consumed. And with the promise of higher ratings, I'd have mesmerizing media fanning the flames. If I were the devil, I would encourage schools to refine young intellects but neglect to discipline emotions. Just let those run wild until before you knew it, you'd have drug-sniffing dogs and metal detectors at every schoolhouse door. Within a decade I'd, I'd have prisons overflowing. I'd have judges promoting pornography. Soon I could evict God from the courthouse and then from the schoolhouse and then from the houses of Congress. And in his own churches, I would substitute psychology for religion and defy

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science. I would lure priests and pastors into misusing boys and girls and church money. If I would-- if I was the devil, I'd make the symbol of Easter an egg and the symbol of Christmas a bottle.

KELLY: One minute.

LOWE: Thank you. If I were the devil, I would take from those who have and give to those who wanted until I, until I had killed the incentive of the ambitious. And what will you bet? I couldn't get whole states to promote gambling as the way to get rich. I would caution against extremes and hard work and patriotism and moral conduct. I'd convince the young that marriage is old fashioned, that swinging is more fun. And what you see on TV is the way it is to be and, thus, I could undress you in public and lure you into bed with diseases for which there is no cure. This was done by Paul Harvey in 1965. If you listen carefully, everything that Mr. Harvey said that the devil could influence us-- influence us to do, we are doing it right now and even worse. For now, we are attacking our own children. God made each of us in his own image. But that is not good enough for many. They want to change their children into something they are not or never can or will be. We kill our own infant children.

KELLY: That's your time, Senator. Thank you, Senator Lowe. Mr. Clerk, for a motion-- item.

CLERK: Senator Hunt, I understand you wish to withdraw MO664, MO102, and MO663.

HUNT: Did I need to be yielded time to, to do that?

CLERK: Not in this case.

HUNT: Yeah, Kathleen Kauth, let's see the olive branch motions.

CLERK: In that case, Mr. President, next item, Senator Kauth would move to amend with AM872.

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

KAUTH: AM872 is a shall amendment, correct? So we are 25 minutes from having our vote. We have our votes. And now all of a sudden there's an issue with, oh, we'll accept an olive branch, we'll accept this. We've been working very hard on this. We are going to go through with the vote on the bill as it is. I'd like to withdraw AM872.

KELLY: It is withdrawn. Mr. Clerk, for the next item.

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CLERK: Mr. President, Senator Kauth would offer AM975.

KELLY: Senator Kauth, you're recognized to open on AM975.

KAUTH: Thank you, Mr. President. I'm going to talk more about how some people have needed to detransition. In 2016, there were more than 3,000 sex reassignment surgeries performed, indicating a 20 percent increase in these procedures between 2015 and 2016. Although some claim that medical transition is improving lives, the long-term studies call into question whether transition has long-term positive effects. These are some stories from people who have detransitioned. They feel that when they went through the process it was a mistake. I was told my transgender feelings were permanent, immutable, physically deep seated in my brain and could never change, and that the only way I could ever find peace was to become female. The problem is, I don't have those feelings anymore. Another one. It was apparent that I had developed a dissociative disorder in childhood to escape the trauma of the repeated cross-dressing by my grandmother and the sexual abuse by my uncle that should have been diagnosed and treated with psychotherapy. Instead, the gender specialist never considered my difficult childhood or even my alcoholism and saw only transgender identity. Coming back to wholeness as a man after undergoing unnecessary gender surgery and living life legally and socially as a woman for years wasn't going to be easy. I had to admit to myself that going to a gender specialist when I first had issues had been a big mistake. I had to live with the reality that body parts were gone. My full genitalia could never be restored, a sad consequence of using surgery to treat psychological illness. And that was someone who did this as an adult. This is Mike, a detransition man. I was clinging to the accomplishment of becoming a woman, but wasn't yet ready to admit that my real accomplishment had merely been a successful impersonation of one. This victory, which carried with it such sexual and social collateral damage, it was becoming less and less worthy of celebration. All along, I had never been a woman and honestly couldn't say any more that I'd ever felt like one. Still, I couldn't give it up, what I now realize, but could not admit was a need to pretend. This is Kale [PHONETIC], a detransition woman. I couldn't fit in with other kids. I really hated myself for a really long time. I think I wanted to become someone else. I started to investigate online and came across the word transgenderism. It was really scary. But the more I read, the more I felt it must be what I was going through. At first, transition felt like the answer to my problems. But after a year or so, the old feelings of not fitting in began to plague me again. After around 18 months, I began to realize I'd been changing my gender for all the wrong reasons. It wasn't because I wanted to be a boy, it was

because I felt uncomfortable with my female body. A lot of people think that transition is something that you get to the end of and then suddenly you're happy. I thought, oh, once I'm past a certain stage of transition and I'm accepted as a man, then I will fit in. But that never came. It wasn't what I wanted. Lou [PHONETIC], a detransition woman. I thought the only explanation for my gender dysphoria must be that I was actually a man. I was struggling with self-harm and had attempted suicide on a number of occasions. I became convinced that my options were transition or die. I didn't understand that the degree of disconnect, disconnect from and hatred of my body could be considered a mental health problem. The darkest moment was when I realized that I had actually looked normal for a girl, that I had actually been slim and pretty, that my body hadn't been grotesque in the way that I thought it was. I will always have a flat chest and a beard, and there's nothing I can do about that. If I was talking to a gender dysphoric girl who hated her body the way I hated mine, I would tell her to get out into the mud, to climb trees, and to find a way of inhabiting her body on her terms. When we look at studies of children with gender dysphoria, and we look at the desistance rates, we see again nearly 85 percent. In 1972, a study by Leibovitz, there were only 16 people in the study, 12 of them stopped identifying as transgender. In 1978, a study by Zuger, again, 16 in the study, 12 stopped identifying as transgender. In 1979, Money, nine people in the study, nine stopped identifying as transgender. Another study by Zuger in 1984, 45 in the study, 33 stopped identifying as transgender. A study by Davenport in 1986, ten in the study, six stopped identifying as transgender. In 1987 by Green, 44 in the study, 43 stopped identifying as transgender. In 1987, Kosky, eight in the study, eight stopped identifying as transgender. In 2008, Wallien, 54 in the study, 33 stopped identifying as transgender. Another study in 2008 by Drummond, 25 in the study and 22 stopped identifying as transgender. In 2012, a study by Singh, 139 in the study and 122 stopped identifying as transgender. And in 2013, a study by Steensma, 127 in the study and 80 stopped identifying as transgender. The desistance rate is incredibly high. We need to give children the chance to grow. Just a minute.

Unidentified: If you don't. What you're thinking. Well, can we.

Speaker 5: Can we? Just about 15 minutes. Speaking outside the hallway. Why don't we just keep.

KELLY: Speaker Arch, you're recognized for an announcement.

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ARCH: Colleagues, we're going to stand at ease for a few minutes here. This obviously is time for some discussions to go on. And so we're just going to stand at ease right now. And we'll be back. We'll take a 15-minute, a 15-minute break and stand at ease. Thank you.

KELLY: The Legislature will now stand at ease.

[EASE]

KELLY: Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB815, LB816, LB282, and LB799 to be placed on Select File, excuse me, and LB799A to be placed on Select File, LB799 having E&R amendments. Additionally, LR95 from Senator Blood. That will be laid over. Mr. President, Senator Conrad would move to recess the body until 3:00 p.m.

KELLY: There's a motion to recess until 3:00. All those in favor say aye. All those opposed, nay. We are in recess.

[RECESS]

SERGEANT AT ARMS: Senators, the Legislature is scheduled to reconvene at 3:00.

KELLY: The legislative-- [RECORDER MALFUNCTION] convene. Senators, please record your presence. Roll call. Mr. Clerk, for items.

CLERK: There's a quorum present, Mr. President. I have no items at this time.

KELLY: Speaker Arch, you're recognized for an announcement.

ARCH: Thank you. Colleagues, I-- I appreciate your patience in this situation. I think that-- I think we understand the impact of this bill, not only on the public but also on our Legislature, and I appreciate that you've given us some time to-- to process and to think through this. So we took 45 minutes to discuss, to-- to-- to-- to have those discussions of-- of-- that-- that obviously un-- that we understand the-- the complications and the complexity of the matter, as well as, as I said, the implications. The motion-- or, I should say, the amendment coming up was quick and I did want to speak to Senator Kauth on-- on how the-- the options that were available to her on how to handle this amendment and where-- where she is on her bill. I did ask her to not pull the amendment, and I was concerned that that

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was about to happen, and I-- I-- I asked her to do that, but to take the amendment to a vote. And so again, I-- I do appreciate your patience with this. This is a difficult time. It-- this is a co-- a complex problem and, as I say, it impacts not only the public, but also the proceedings of the Legislature. And so this time, I think, was well spent. And-- and with that, I would-- I-- I am-- I'm-- I'm finished with my announcement at this time.

KELLY: Senators, we'll return to the speaking queue. The order is, first three are Senators Jacobson, Holdcroft, and John Cavanaugh. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President, and thank you, Speaker Arch, for your comments, and everyone for your patience. I'm gonna yield the remainder of my time to Senator Kauth.

KELLY: Senator Kauth, that's 4:47.

KAUTH: Thank you, Mr. President. So this has been an exciting day. We had the votes to get to cloture today. We were ready to do that. This offer to work together comes as a very welcome surprise. We had put this amendment up two weeks ago with very little discussion, and I'm thrilled to be able to say that I think we should vote no on this amendment, because I have an amendment sitting on Final Reading and I'm committed to sitting down and figuring out how to make this bill better. So as we go forward, I'd like to withdraw AM975-- oh, I'm sorry, not withdraw. I'd like us to vote on AM975 and I'm asking for a no vote so that we can do the work between now and Final Reading to get something that works better for all of us. Thank you.

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

HOLDCROFT: Thank you, Lieutenant Governor, and I also yield my time to Senator Kauth.

KELLY: Senator Kauth, you have 4:53.

KAUTH: OK. I'm getting a lot of extra time. So this-- this is something that we're going to have to work on. Again, we'll get to cloture, which is-- how-- how much time do we have left before cloture?

KELLY: Around 15 minutes.

KAUTH: Around 15 minutes. So we can continue talking about the damages that these puberty blockers and cross-sex hormones do. We can continue talking about how we want to make things better for kids in this state and protect them. I would like everyone to get up and share what this means to them. We'll take this time to actually have some debate and discussion. We've heard a lot from both sides. We have 15 minutes. If we-- can we- no. OK. So I will continue talking about adolescent development and psychosocial functioning after starting cross-sex hormones for gender dysphoria. This is from the Finnish psychiatrist, Dr.-- I can't say her first name-- Kaltiala, and what she says is there are vast structural and functional developments in the brain and extreme extensive cognitive and emotional and social changes that are characteristic of adolescent development. Again, we're talking about children and how children's brains develop, and we need to make sure that everything that we do going forward makes sure that they are not harmed. The literature exploring adolescent development and functioning among adolescents with gender dysphoria and/or transgender identity is scarce. When someone who's been in the business for that many years is telling you that the research is scarce, we should pay attention. Psychiatric comorbidities, particularly depression, anxiety disorders and autism spectrum disorders, as well as suicidality and self-harming behaviors, are common among adolescents seeking gender assignment. That's where I would really like us to focus, on helping kids who are having those coexisting mental health crises, to make sure that we are giving them the therapy and the counseling that they need. On cross-sex hormones, in one of the studies that she looked at, there were no statistically significant improvements in functioning. This is in disagreement with earlier studies that suggested improvement in functioning. The-- the studies are not clear. The science is not clear. We have to do no harm to our kids. I yield my time.

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

J. CAVANAUGH: Thank you, Mr. President. It's an active day in the Legislature. I appreciate everybody's, I guess, attention on this issue, and especially, I think, everybody stayed here while we took a little break to kind of figure out where we are going. So I have stood in opposition to LB574 and AM975 previously and continue to stand in opposition. I'm happy to hear Senator Kauth's words about making an effort to work between now and Final Reading to find some common ground on this bill. I'm a fervent believer in the fact that just because we can do something, doesn't mean we should. And I think we are seeing a recognition of that here, which is, I think, a very good

thing to recognize. So as we get close to cloture on this bill and everybody is going to vote how they're going to vote, if this bill continues on to the next round, I have said before and I'll say again that I'm certainly willing to have a good-faith conversation and discussion that is centered around what really matters to Nebraskans and is based in the appropriate science and fact and takes into account the opinions of experts in the medical community, the families affected by this, and the senators in this body who have stood up in opposition to this bill. And it's not-- I'm happy to be a part of this conversation, to-- in a constructive manner, and I'm happy to contribute in any way that I can, if I'm invited to that conversation. And I hope that this is a step in that direction to having that sort of constructive conversation, because too far, so far, in this Legislature, we've had one-sided negotiations, and that's led to a position where we are offered what are called compromise amendments, where the proponents of a bill have only compromised with themselves. And so I look forward to that conversation. I look forward to seeing what the results of a true negotiation around this bill will look like and I-- at-- but at this point, I'm still going to be opposed to cloture on this bill. I'm still going to be opposed to AM975. I'm still going to be opposed to LB574. And I would just point out, for those who are new here, structurally, where we're at is we're on Select; and if this bill goes to Final, there is not an opportunity to amend a bill on Final. The mechanism is, it has to be moved back to Select for a specific amendment, which means we will have to have a conversation, a negotiation, and come up with a specific amendment that then gets put up on a motion, and then we would move back to Select, and then we would adopt that amendment, and then the bill would go back to Final again. And so it does seem like a late hour to be making these changes, but I guess "better late than never" is a saying for a reason. So with that, Mr. President, I would yield the remainder of my time.

KELLY: Thank you, Senator Cavanaugh. Senator Hansen, you are recognized to speak.

HANSEN: Thank you, Mr. Lieutenant Governor. I'm going to echo a little bit of what my colleague, John Cavanaugh, said, that-- and he kind of phrased it-- he phrased it very well. Even though sometimes we have the ability and the power to do something doesn't mean we always, sometimes should. And I think sometimes that maybe hasn't-- has been lacking a little bit this year in the spirit of listening, in the spirit of collegiality, that sometimes discussions do need to take place to see if we can make a bill better. And so I think, in my understanding, that is something that Senator Kauth is trying to

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facilitate here. So I'm encouraged. You know, I always-- I know when I ran like-- and for-- on my-- my campaign trail, I always said God gave us two ears, one mouth for a reason, and sometimes we need to listen more than we talk. And so I have a feeling maybe that's what's happening here, and so I have full faith in Senator Kauth to be able to listen, work with people, and see if we can make this bill better. So in the little bit of time that I had here, I at least wanted to express my thoughts. So we'll see what happens between now and Final Reading. Thank you, Mr. President.

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

VARGAS: Thank you very much. There's two things I think we should do. I do appreciate the good-faith conversations on a negotiation, and that happening on Final Reading is tricky for me because that means we're putting a lot of trust in this happening in the last stage of debate. And this underlying amendment, if there are still changes that are going to happen in the last stage of debate here, I think that we should move the amendment as is to give us the ability and leverage to have a real good-faith negotiation on Final Reading. Now, I trust that the people that are going to be at the table are going to work on an amendment and work on something in Final Reading, because I have to-- I have to give trust to people doing that. But we do have an amendment in front of us. It is something that had been brought. I do think it's something that we should take up. But I do think it should be clear that the people that are going to be working on this, I don't know who they are, we're putting a lot of faith into these individuals that they are truly taking into account what Senator Cavanaugh, John Cavanaugh, said. And we're putting a lot of trust into them. With that, I'll yield the remain-- remainder of my time back to the Speaker.

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

DUNGAN: Thank you, Mr. President. And, colleagues, I still rise opposed to LB574. I think that we find ourselves in quite the interesting predicament. Frankly, I don't know how I'm going to vote on AM975. I think it's important that we continue to have good-faith negotiations and conversations, and I would echo the sentiment that others have said, which is that, in order to have negotiation and compromise, there needs to be an actual conversation. And I think that conversation needs to include experts, I think that conversation needs to include those who are affected, and I think that conversation needs

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to include those on both sides of this issue to ensure that nobody feels cut out. And so I do accept the idea that we can move forward and try to-- try to figure something out, but what we're going to try to figure out cannot include harming people. It cannot include harming people's physical person or infringing upon their rights. But I do understand there are folks in this body who want to protect children, and I think that that's something we can all share. We want to make sure kids are safe, but making sure kids are safe, oftentimes ensuring that their mental health needs are treated and that they're provided the care that they need, we certainly don't want to get between a parent and their children. But I also agree we all want to make sure there's a framework within which children are protected. So, colleagues, I think there's a conversation to be had here. I'm hesitant, I'm nervous, but I-- I am hopeful that we can continue talking, and I'd yield the rest of my time. Thank you, Mr. President.

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

SANDERS: Thank you, Mr. President. I yield my time to Senator Kauth.

KELLY: Senator Kauth, that's 4:54.

KAUTH: Thank you, Senator Sanders. Thank you, Mr. President. As we look at this, it does take a lot of trust, and I think that has been in short supply this session. Coming in as a freshman, this was a very big bill, and I understood that. We have had a lot of tension and hostility on the floor. And so, yes, it does take a lot of trust, but the tension and the hostility has been coming in one direction. I am committed to sitting and working with people on this. I had filed a amendment on Final Reading to make sure that if something happened, we would be able to adjust, and that's what we're going to do. We will sit down, we will adjust, we'll bring it back on Select, and we'll vote. Thank you. I yield my time.

KELLY: Thank you, Senator Kauth. Mr. Clerk, for a motion.

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

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

KAUTH: I'd like to invoke cloture on the amendment, please. Call of the house.

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

CLERK: 32 ayes, 1 nay 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 members are now present. Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 16 nays to invoke cloture.

KELLY: The motion for cloture is adopted. Members, the next vote is on the adoption of AM975 to LB574. All those in favor vote aye; all those opposed-- request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad not voting. Senator Day voting yes. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting yes. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan not voting. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney not voting. 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 not voting. Senator Wishart voting yes. The vote is 11 ayes, 28 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is not adopted. The next vote is on advancing LB574 to E&R for engrossing. All those in favor say aye-- request for a roll call vote, Mr. Clerk.

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CLERK: Senator Wishart voting no. Senator Wayne voting no. Senator Walz voting no. Senator von Gillern voting yes. Senator Vargas voting no. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould voting no. Senator Murman voting yes. Senator Moser voting yes. Senator McKinney voting no. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. Vote is 33 ayes, 16 nays, Mr. President, to advance the bill.

KELLY: Thank you, Mr. Clerk. LB574 advances to E&R for engrossing. Oh. I raise the call. Raise the call. And, Mr. Clerk, for items.

CLERK: Mr. President, next item LB753. There are no E&R amendments. Senator-- Senator Hunt would move to bracket LB753.

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

HUNT: What am I recognized to open on?

KELLY: Excuse me. Your bracket motion.

HUNT: Thank you. Of course the motion's mine. Good. I rise encouraging you all to support the motion to bracket LB753. I rise in opposition to LB753, and this was a piece in the negotiation for LB574, for the last bill that we discussed. Senator Linehan, who doesn't support the bill, who doesn't support taking rights away from trans kids in her heart, she had to vote for it, or she'd lose too many votes on this bill. I said I would vote for the bill. Several, I would let them speak for themselves, but several of my colleagues said they would vote for the bill. We would whip the votes for her to kill, to kill LB574. Too scared, won't do it. Let me be clear and direct with Senator Kauth and the proponents of LB574 about what just happened. Me

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pulling my motions was not an offer to work together. She stood up all saccharin and said, oh, I'm so happy that now we want to work together at the last minute. But guess what? It's too late. That was not an offer to work together. You misunderstood. She was up on the mike earlier saying, well, we had this olive branch. We were trying to work together. We had this amendment that Senator Jacobson introduced. He gave up \$24,000 and two meetings to stay here in the Legislature and vote for my bill, and then didn't end up wanting the amendment after all, did you? I don't-- I'm not taking the olive branch. I don't want that p.o.s. amendment. But I'd like to see it, is what I said. I said, let's see your olive branch. And then not only did you take the amendment and run home, you shut down the process of the entire Legislature. What? I would like to see that ever happen to any bill introduced by one of the opponents of LB574 when at the very end you get got by procedure and you don't know what to do, and then you pick up your ball and you run to the Speaker's Office and you say, hold on, time out. We're doing a do over. Speaker Arch came up here and said, whoo, that amendment came up quickly. No, it didn't. That amendment was introduced weeks ago. It's been-- it's been up for all of you to read and understand for weeks and weeks to think about your vote. And after listening to-- what made me pull my motions was Senator Kauth saying, oh, and we've tried to compromise, we've tried to talk. Here's an amendment, for example, that nobody wants to even vote on. Let's vote on it. Show me the olive branch. Not only do we not do that, we quit and go home. You cannot do that. It's like at the end of a football game, you're losing all of a sudden, and you call a timeout and you say, actually, we're going to reset the ball and just try it again. We're going to do over. You shouldn't get do overs in this. And I guarantee you any of the opponents of LB574 never would have gotten a do over like that. We should have called a point of order. We should have motioned to overrule the Chair. You can't just quit because you get caught and you don't know what to do. If you were embarrassed, I would get it. I'm not embarrassed. Not only was Senator Kauth not ready for that amendment to come up, the Speaker wasn't ready. And I think the reason you had to quit, the reason, Senator Arch, Speaker Arch went up to Kathleen Kauth in the middle of her time to speak, where we had this, you know, really awkward moment of silence so they could confer and decide what to do and just quit and go home, was because they were afraid the bill was going to fail. They were afraid that if we didn't get that amendment on, that the bill would fail. Speaker Arch said last night, oh, well, you talk about LB574 every day on every bill. That's why Westboro Baptist is here. That's why we're going to debate it on Thursday. Let's-- I don't know what he said. Did he, did he say he thought it would put it to bed? I don't know if he

said that or if I'm imagining it, but it will not put it to bed. Lest the public think otherwise, we had 10 or 12 irons in the fire all day today, as far as a way out of this. Deals, votes, promises, ideas, ways to give people cover who don't want to vote for this. Even that amendment we were prepared to support. All of us who are not voting, if it would have been able to get 25 votes, we would have stood up and changed our votes. But even the amendment would have only gotten 21 votes then. So you guys are full of crap. You introduce an amendment to try and deal with us, and then you take it away, you're not dealing. You shut down the session. You go in Arch's office where nobody from the opposition is even allowed to come in. Senator John Cavanaugh tried to join you. Senator Justin Wayne tried to join you. Senator Danielle Conrad tried to join you. None of them were allowed to know what was going on. The way that we have broken norms and hurt this institution, hurt the collegiality in this body, hurt our relationships, because of Senator Kathleen Kauth, because of one green senator who doesn't know what she's doing in terms of this bill is a shame. It's embarrassing. I oppose LB753 because I don't support public funds for private schools. Is it because they're religious? No. Is it because of anything that they teach necessarily? No. I don't like it that they don't allow gay staff or gay kids or gay parents to have their kids enrolled in there. That's bigotry and that sucks. But that's like your favorite thing. Point blank, I don't support public funds for private schools. Public funds belong in schools that serve all kids. Any conversation about the weaknesses of public schools or private schools or the strengths of public schools or private schools or what a great time your kid had there and what a tough time your kid had at the other one, it doesn't matter. It has no bearing on the morality of LB753. We cannot give public funds to private institutions. Sub point, private institutions that are allowed to legally discriminate. I'm also curious-- this is a real-- I'm serious. I'm curious about how the Opportunity Scholarship tax credits are doled out to the scholarship-granting organizations. Could Senator Machaela Cavanaugh and I start a scholarship granting organization for LGBTQ and trans kids? And then could we apply and receive dollar for dollar tax credits for all the contributions to our scholarship granting organization? And then could we take 10 percent off the top of that for administrative fees? Then I'd be making money like Senator Jacobson, who's been giving it up to come in here and discriminate against trans kids. I was really hopeful for some good relationships with you guys this year. I mean, Senator Brandt and I, he's been a-- he's been a good friend to me until now. Senator Hughes and I hit it off at the Legislative Council meeting that we had. I'll probably never go to Legislative Council again. I mean, like I know you're

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really sad about that, but it's-- this place is a joke. You aren't serious about progress or relationships or the future of this state or what we should have as our shared goals of workforce development and economic development. All you want to do is race to be the next Florida, race to be the next, you know, Greg Abbott's Texas; DeSantis's Florida. It's a race to the bottom.

KELLY: One minute.

HUNT: I don't know what you're getting out of it. What's in it for you? I won't say who because it's too mean, but I know that so many of you did not want to vote for that bill, but you were so afraid of, quote, being kneecapped, quote, being spit on. Like anything you could experience as a state senator is worse than what the trans kids of Nebraska are going through because of your discrimination and bigotry. Please grow up. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Senator Hunt, I am all in on that scholarship fund. Let's make it rain. I mean, part of it is a compliment that people just want to hear me talk more. But I don't need any more compliments. I don't. I don't. I don't need any more compliments. It's nice that you all want me to talk more, but I'd rather not. But I will, because here we are. You know, Senator Hunt, in a lot of ways, I just-- I feel kind of liberated. I feel liberated. I had a conversation with Senator Brandt where I told him we're never going to speak again because he didn't vote his conscience and his heart. And that's really, frankly going to be true of everyone. Senator Armendariz voted against this bill, now voted for it. Senator Hughes didn't vote for the bill last time and now voted for it clean. And just don't talk to me again, please, any of you. There's 15 people in this building, in this room that I am willing to talk to from this moment forward. Senator Lippincott, don't ask me about my kids. Don't give me a high five in the hallway. I don't want to talk to you. I don't want to talk to any of you ever again. It is unbelievable how that end of that bill was treated. That amendment was filed-- I don't even know when it was filed. It was filed when Mike Jacobson decided to get his nose involved in all of this B.S. and screw up everything for the entire session by coming up with an amendment that clearly nobody wanted, even the people who voted for it, myself, the 11 people who voted for it, we didn't want it. So thank Mike Jacobson for the fact that I'm still talking because he decided to get involved where he had no business getting involved, put together an amendment that he

didn't want anybody to know that he was involved in, but it was entirely him. Get you all riled up that we're going to have this great compromise amendment, and convince people to vote for the bill so that we get the compromise amendment, and then we pull off everything so that you can get to your fudgesicle amendment, and then none of you vote for it. And now we're supposed to negotiate in good faith with you, when you couldn't even attach the-- your internal compromise amendment, you couldn't get that attached. And now I have to negotiate with you on the underlying bill, that's tied-- that doesn't matter. You don't care. You don't care. You don't care. You care about Senator Kathleen Kauth's hate-driven bill more than you care about Opportunity Scholarships, the budget, anything else that's on this agenda for today. You care about legislating hate more than you care about anything else. Actually, that's not true. You care about hurting me personally more than you care about anything else. That was pure, clear pettiness. Because what? Because I'm getting some national attention? I don't care about that. The only reason I'm getting national attention is because this is a big f-ing deal. That's why. And it is a big, f-ing deal to have somebody stand up and say this is wrong. That's why--

KELLY: One minute.

M. CAVANAUGH: --that's why I'm getting national attention, because what you are doing is wrong, problematic, hurtful, detrimental, unconscionable. So, yeah, when I stand up and say all of those things, the people out there and the people out there are excited because somebody's standing up for something that's right. Somebody is standing up for the right-- for people like Senator Brewer and Senator Wayne to exist. And for people like Senator Aguilar and Senator Sanders to have their marriages. And Senator Vargas. I'm standing up against hate. And you're standing side by side, shoulder to shoulder with hate. With hate, Senator Brewer. With hate. With hate, Senator Aguilar. You couldn't be married to your spouse if people didn't stand up against hate.

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

LINEHAN: Thank you, Mr. President, and welcome, colleagues and Nebraska. Today, we are going back to Select on LB753, which is the Opportunity Scholarship bill. This bill would allow children and their parents to find the best school that fits their needs, even if they can't afford to move to a different school district or they can't afford tuition to a private school. I have worked on it for seven

years. There's multiple questions about how it works. The basics are this: If you are a donor and you donate to a scholarship granting organization of which there are none in Nebraska now, there can't be any until this bill passes, you donate money to a scholarship granting organization. That scholarship granting organization therefore henceforth gives scholarships to children who otherwise wouldn't be able to attend a school that fit their needs in their parents' judgment. The way the scholarships are stacked, you have, and this has been a confusion, and I understand, Senator Raybould's talked to me about this, others-- in the bill, it says that the scholarships first go to a child who received a scholarship the year before. That does not mean the child who's on scholarship in a private school today. Those children are excluded from this bill. If they are already in a school and they're on a scholarship, they're not eligible for this program. With one exception, kids leaving elementary school to go to high school. That, because it's such a difference in schools, then they're a new student if they're leaving eighth grade to go to high school. So these would be new entrants into the system. Your donation to the scholarship grant organization would yield a tax credit, which could be as much as 50 percent of your income tax owed to the state. It can't be more than 50 percent. You can't wipe out your whole tax liability, but it's capped at 50 percent. Also, the scholarship granting organization, and I'm just trying to go over the things that I've had questions about, and I'll be here for 4 hours to answer any other questions. Scholarship granting organization can't be set up for just one school. They have to-- it's not about the school. It's about the children. So let's-- I'm not going to name a school because I don't want to hurt anybody's feelings. But let's say there was ABC School. ABC School couldn't set up this program just for their school. It has to be for multiple schools. Also, the donor, like, say, Grandma Linehan, can't give the scholarship granting organization money and say, but I want that money to go to my grandkids. Can't do that. You cannot name the child that gets a scholarship. We are now, as soon as the senator-- excuse me, as soon as the governor of North Dakota signs the bill, which they have passed, the House and the Senate, we will be the only state in the Union without any school choice legislation, the only state. The program is capped at \$25 million for the first three years, meaning that that's all it can go. And then over the next ten, it could go up to \$100 million. And I'm sure, because-- I've been busy this morning, not quite as prepared as I should be. I'm not answering questions. But one important thing--

KELLY: One minute.

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LINEHAN: --one point thing that has changed between now and when we were on General, is an amendment that both Senator Hughes and Senator DeKay worked on that I-- it's a friendly amendment. I hope we get-- we will get to it sooner or later. And it answers a lot of concerns that they had and others had. And I had planned, because I was thinking I had 10 minutes, to ask Senator Hughes about the amendment. Senator Hughes, would you yield to question?

KELLY: Senator Hughes, will you yield to a question?

HUGHES: Yes.

LINEHAN: We only have a minute here, but you I hope are in the queue, right?

HUGHES: I am. I would like 2-- I cannot see. Two down, three down?

LINEHAN: OK.

HUGHES: I can talk to the--

LINEHAN: And then you will talk to the amendment?

HUGHES: Yes, I will.

LINEHAN: OK. I'll yield my time back to the Chair. Thank you.

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

SLAMA: Thank you, Mr. President. I appreciate it. I'm just going to take a moment here before I yield my time to Senator Linehan. It would seem that Senators Cavanaugh and Hunt have left the floor, but if you happen to be in your office or off the floor, please come back because this message is for you. Let's take a moment to talk about entitled liberal white women. Senator Machaela Cavanaugh, we're not acting out because we're mad about you getting attention. I'm pretty sure four-year-olds stop saying that. Senators Aguilar, Sanders and Brewer don't owe you a thing because they happen to be minorities. That comment was incredibly racist, incredibly racist. They don't owe you a damn thing, and you don't even care-- here's the thing, you don't even care that you're spouting that racist nonsense on that floor. Get over yourselves. This isn't about you. This is about Nebraska not standing for sterilizing and mutilating children. Senator Cavanaugh and Hunt, you say the word "I" on this floor more than the rest of the Legislature combined. I have a spreadsheet because I've been bored and

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tracking it. It's about-- none of this is about you. It's about protecting kids. And maybe if you could check your ego at the door for a minute, you'd be able to see that and wouldn't be a punchline in the state of Nebraska. Because here's the thing, you can get up and fight the righteous battle and say you're doing this for yourselves when you just eat up the fact that you get the attention. Like, good for you. You're not stopping any legislation this year. Like, you realize, we have a plan with the Speaker to do literally everything we were planning to do this session through committee priority bills and Christmas trees and figuring out on the agenda how we can combine good bills. You are stopping nothing. You are doing literally nothing but making a fool of yourself. So check the ego at the door and let's move forward with being serious legislators. I'd like to yield the remainder of my time to Senator Linehan.

KELLY: Senator Linehan, you have 2:55.

LINEHAN: Thank you. Is Senator Hughes here or Senator DeKay? Senator Hughes, would you yield to a question?

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

HUGHES: Yes.

LINEHAN: Senator Hughes, would you remind me exactly what concern you had and how your amendment addresses it?

HUGHES: So my particular concern was that the way it was originally written is that ultimately it could grow first to \$25 million, and then to \$100 million with no, no, no ties to scholarships given. So hypothetically, it could grow to a total of \$100 million and they give maybe \$2,000 of scholarships out. And some SGO entity is making th-- either 5 or 10 percent management fees on it. And I'm-- the intent of this is to give scholarships and so that's what we really wanted to address.

LINEHAN: Thank you. And now if they don't give all the money out that they have or-- they get to keep some for overhead, right? It's like 25 percent.

HUGHES: Yeah. We-- yeah, we did quite a bit of research. We did some Zoom calls with other SGOs in other states, just talking to them about-- because you have to have a little bit of carryover year to year because if you-- you don't know exactly what's coming in every year. And so you don't want to have given some scholarships and then the next year have to pull them or not have money left. And so came to

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the conclusion that a 25 percent carryover year to year would be allowed and anything over that, first, it could be offered to other SGOs if they have outstanding scholarships to give. And if that doesn't work, then that money will be turned back to the General Fund here at the state of Nebraska.

LINEHAN: Thank you.

KELLY: One minute.

LINEHAN: Thank you, Senator Hughes. I believe that that will ensure that people find children who need scholarships if they have to give it back to the state. So that was Senator Hughes's part. And then, I don't know if Senator DeKay is here, but when-- next time I'm up, I will ask Senator DeKay to explain his part. And then I think-- I've just got a list of questions here from Senator Raybould. And I think Senator Brandt is going to have questions for me or Senator Hughes. So I will yield any time I have left back to the Chair. Thank you.

KELLY: Thank you, Senator Linehan. Senator Brandt, you're next.

BRANDT: Good after---

KELLY: You're recognized.

BRANDT: Good afternoon, Nebraska, and thank you, Mr. Lieutenant Governor. Would Senator Linehan be available for a question?

KELLY: Senator Linehan, will you yield to a question?

LINEHAN: Certainly.

BRANDT: So to refresh us, and when Senator Hunt was on the mike, she made a comment. But who qualifies to be an SGO? Who qualifies? Who would be able to access Opportunity Scholarships? Is it, is it just the private schools on record today, or can a new 501(c)(3) start up and qualify for this?

LINEHAN: I'm sorry. Can a new-- I didn't catch the last--

BRANDT: How, how would a new school-- what are the requirements to qualify to be an SGO? Or a school?

LINEHAN: OK. Well, they're two different things. So first, the SGO. We don't have any, because they'd have to follow the reg-- they'd have to be 501(c)(3). They have to be a nonprofit. They can-- they raise their

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money. And they have to use no more than 10 percent of it for overhead, unless it goes up to \$35 million some years out. Then they have to drop that overhead to 5 percent. All the rest of it has to go to-- to scholarships for kids. And Senator DeKay, his part of the amendment when we get to that, they will have to report back to the Legislature every year who got the scholarships, including demographics and how many children and what their income levels were. So the Legislature will constantly, every year, have oversight. That report is supposed to go to the Chairman of the Revenue Committee, the Chairman of Appropriations, and the Chairman of Education Committee, and they should have a meeting and make sure the program is working the way it should. That's to check the SGOs, that part. On the schools, the schools have to be nonprofit, and they would have to be accredited or approved by the Department of Ed, the Nebraska Department of Ed. So it can't just be, and some have mentioned this before, you know, somebody opens up a school in a shopping center and says, here, we-- and we're going to set up a scholarship organization. They can't do that. The Department of Ed has to be involved in all of this.

BRANDT: So the chicken and egg thing here, I'm, I'm a parochial school. Do I set up an SGO or does an SGO set itself up and say, I can help you? What's the order for this happening?

LINEHAN: An SGO sets itself up, and it will probably help-- I mean, in other states-- there's some states that have several SGOs. There's some states that just have one, and they do it statewide. What I learned in the last-- since I've worked on this, it's better not to have too many because then there's too much getting spent on overhead. But you don't want to, probably especially in Nebraska, we don't want just one. You want to make sure, and I've talked to people about this, that you have SGOs that go clear across the state.

BRANDT: But couldn't-- do any states run their own SGOs rather than paying an SGO 10 percent of the money to operate? Could our Department of Education become the SGO?

LINEHAN: OK, I don't want the Department of Education get angry at me, but I think if we had it ran through the Department of Ed, they would ask for more than 10 percent.

BRANDT: But if that were not the issue, would you have any issue with the State Department of Ed being the SGO?

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LINEHAN: I, I, I know of no state that has done that. And I think that would become problematic because I think it's very hard to remove politics from that situation. And I also-- I'm never very-- when just one organization is doing something, be it state or private, and there's no competition, that concerns me.

KELLY: One minute.

BRANDT: So when we do establish the SGOs, you anticipate there being several and they would be competitive?

LINEHAN: I don't think so much they'd bec-- this is what I really envision. I envision that maybe each Catholic diocese would have one, so that would be three. I envision that Lutherans would have one, that might be statewide. I envision that other private schools might have one. I envision that there would be-- there are several schools, especially-- name slips, but a school that, and I should--I'm embarrassed, I can't recall right now. A school, an academy in Omaha that helps a lot of kids that are dyslexic. I expect that there will be some SGO, it may be one of those, some SGO that will be set up to help kids with learning issues, at least I hope so.

BRANDT: All right. Thank you, Senator Linehan.

LINEHAN: Thank you, Senator.

KELLY: That's your time, Senator. Senator Hughes, you are recognized to speak.

HUGHES: Thank you so much, Lieutenant Government, so-- Government? Governor. I was going to just address a little bit of the amendment, and I know we're not on that as of yet, but I know this is a new thing for Nebraska, and there's a lot of concerns. And I, prior to this, served on Seward School Board. And, you know, I understand those concerns coming from our public schools. Like we were talking about before, one of my main concern, and as well with others, was to prevent this fund from inadvertently creating a tax shelter where tax credits grow without corresponding growth in scholarships for low-income kids as they are intended. AM1253 requires that between 90 to 95 percent of the revenues of SGOs, the revenues that they receive, depending on the annual limit on tax credits, is allocated to educational scholarships. AM1253 requires that SGOs shall not carry forward any more than 25 percent of its net revenue from one year to the next, and that any amount carried forward has to be expended for educational scholarships. If these carry forward dollars are not

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expanded-- expended for scholarships within an SGO, they can transfer them to another SGO in need. And if no SGO can utilize these funds, then the money is returned to the General Fund of the state of Nebraska. We also wanted as a group, and as she mentioned, Senator DeKay, some additional information provided to the Legislature, specifically to the Appropriations, Education, and Revenue Committee on a biennial basis. And the purpose of this enhanced reporting is to provide future legislators-- Legislatures greater ability to understand and evaluate the bill and-- or how the program is working, and if it's working as intended, and if there's any issues or anything that needs to be addressed. This report will be on the biennium and it shall inc-- and it shall include, but is not limited to-- I'll get my glasses on-- a review of the progress of the Opportunity Scholarships Act; the number of students currently waitlisted or denied from receiving an education scholarship and the reason for waitlist or denial; the dollar amount of education scholarships given by SGOs; the demographic information of students receiving these-- and that would include but is not limited to income level, grade level, and geographic location. I know at one point and I have not talked to him specifically but Senator McKinney would like to have race included in this report and that definitely can be included as the word demographic would encompass race. So the whole point of that reporting is to just be a check-in measure and say, you know, this is a whole new thing for Nebraska, the Opportunity Scholarship, and the intent is to provide options for low-income students, another option, and that is what that report is going to try to get a handle on, is it doing what it's intended. And if it's not, then we make the changes to make sure that it is. Thank you and I can yield my time back to Senator Linehan.

KELLY: Thank you, Senator Hughes. That's 1:33, Senator Linehan.

LINEHAN: Thank you, Senator Hughes. Thank you, Mr. President. So I have some, a little bit more detailed information for Senator Brandt's question on what is an SGO, authorizes Department of Revenue to certify an organization as a scholarship-granting organization if it meets the criteria, such as completes with Section 10 of the legislation and gives first priority to eligible students who received an education scholarship in the previous school year and then to new applicants whose household income--

KELLY: One minute.

LINEHAN: --thank you, Mr. President-- household income levels do not exceed 185 percent of federal poverty level or who are in foster care

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or out-of-home care. The SGO must prioritize eligible students, applicants in the following order-- and I won't go into that, but I don't-- at some time I will list out the orders of the students. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Senator Murman, you're, you're next to speak.

MURMAN: Thank you, Mr. Lieutenant Governor. What is best for students? That seems to be on the mind of many this week in the Legislature. I want the best outcome for every student in every classroom across Nebraska, which is why I rise in support of LB753 and opposed to the filibuster motion. I think every member of this body would agree that we want every Nebraska student to have the best education outcomes possible. How do we achieve this? Well, if you asked the 49 members of the body, you may get 49 different answers. But I'm willing to bet that the overwhelming majority of parents, students, teachers, and administrators all believe that when all parties work together they achieve the best outcomes in educating young people. This is true in both public and private schools across the state. I believe that this possibly-- possibility is opened up further by adopting school choice policies like LB753. Opponents of this bill have made claims that this legislation is about attacking public education or an attempt to defund any school district in our state. That couldn't be further from the truth. The vast majority of school funding in Nebraska comes from the local level, which is a concept everyone in this Chamber is very familiar with. So let's get the facts straight, this bill is about providing enhanced education opportunities for the most needy in our state. I know if my district-- I know in my district we have some incredible public schools, many of whom serve kids who may potentially benefit from LB753. These schools will continue to support students long after LB753. I know there are many others in the Chamber who are proud of the work the public schools do in their district. To that point, I've got good news for everyone. There is no provision of LB753 that takes away a dime from public school. Not in any district across Nebraska will that be happening. LB753 is about giving children, particularly students who are in poverty, a chance to access the education that best fits them. And when you get to the bottom of it, it becomes very clear that this legislation, legislation is the moral thing to do. So thanks to Senator Linehan for her tireless work on this legislation and I happily yield her her time if she would like it.

KELLY: Thank you, Senator Murman.

MURMAN: Thank you.

KELLY: Senator Linehan, you'd have 2:00.

LINEHAN: Thank you. So-- thank you very much, Senator Murman. Thank you, Mr. President. So going through, I think two minutes is going to be enough time to go through the students' priority. So the first tier priority, again, are students who received a scholarship from the SGO the previous year. And that's obvious, so you don't have a child start and then they can't get a scholarship to keep going to the same school. The second tier are students whose household income does not exceed 100 percent of poverty, so that's below free and reduced lunch, it's 100 percent of poverty; students denied option enrollment in another public school, students with IEP or individualized education plan, special ed student; students who are experiencing bullying, harassment, hazing, assault or sexual offenses, fighting, robbery, threats, intimidation, in other words kids who are miserable at school; students in foster care; students who are in a family with a parent or guardian--

KELLY: One minute.

LINEHAN: --serving in a branch of the Armed Forces or National Guard or killed in duty. Third priority, students whose household income is above 100 percent but below 185 percent of poverty. That's free and reduced lunch. And mind you, free and reduced lunch is 46 percent of kids in the state. The fourth priority is students whose household income is above 185 but does not exceed 213 percent of poverty. And we had a big discussion on this during General, that is the same group of children who are eligible for CHIP, which is the state's children's insurance program. So all the children who are eligible for this are also eligible for a program that we already fund, whether it be insurance or school and free and reduced lunch. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I guess I rise in support of the bracket motion and opposed to LB753 and it does sound like we're talking about AM1253 so I figure maybe I'll talk about it. It's not on the board at the moment and I think it's down in the queue. But my assumption would be if we got to that point it might be a substitution amendment; but I, you know, don't want to put words in other people's mouths. So I'm looking at the AM1253 and I still am

studying it. I don't know exactly where I'm at on the amendment, you know, I-- everybody knows that I'm generally opposed to this scheme of tax credits for scholarships to private schools. I don't think we should be giving government money to private schools. If anybody who knows me, knows that I think that. So-- but just specifically to the, the technicalities here, I'm listening to Senator Hughes and Senator Linehan talk about some of the parts of AM1253, the new reporting requirements. I think, like I said, I'm, I'm often in favor of making something better even if I oppose the idea in principle. And so I still, even with this adopted, I probably going to oppose the bill. But, like I said, I need to take a closer look at the amendment and see ultimately what it does. But the reporting requirement does seem like a really good step in the right direction. If you're going to do a program to give these type of tax credits with the stated objective of improving educational outcomes, you should have some metrics that you're measuring. You should have-- I'd like to see us, you know, looking at some way to capture educational outcome results, looking at testing, looking at grades, looking at graduation rates, finding some objective comparable data. And last time we had this debate was-- well, not this bill, but last year I think it was, I spent a lot of time looking at other states that have had, have pretty robust reporting requirements and just looking to see what those say. Like, state of Louisiana has a pretty robust grade performance requirements; Washington, D.C., has some pretty robust requirements. And they were able to look at those, you know, higher ed institutions were able to take a look at that data and see that whether kids were actually having better outcomes as a result of taking advantage of that particular state's scholarship program and whether kids, you could see an actual benefit with kids who left the public schools, went to the private schools, and then they went back to the public schools. So it was you were able to kind of track all of that information because they were capturing it. So this doesn't go quite that far from my first glance at it, looks like it's capturing just some demographic information. But I do think that that's-- is, is an improvement on the bill overall. I heard the conversation about how the funds can roll over and SGOs using them and spreading them out to maybe other SGOs, which I, I don't know where I fall on that. But I had a question and I won't call Senator Hughes to the mike to ask it, but I asked her, you know, this money, there's a part where it rolls over first to other SGOs and then ultimately it rolls back to the treasury at the end. And I'm still trying to parse out, I guess, what that means exactly. But it sounds to me like someone can give a tax credit to-- or give a donation to one of these entities, get 100 percent of that as a tax

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benefit and then ultimately that money goes back to the State Treasury and I have some questions about that--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President-- and I'll keep thinking about it. I'll push my light and get back in and maybe I'll talk to some folks about because this is an entirely new concept from when this bill, this resolution was, or amendment was introduced. But it does seem to me like someone's getting a tax benefit for money that's going into the treasury-- or the, the General Fund and maybe it's a good thing to not waste that money and keep it in these SGOs. But it does really seem like we're just giving someone who has the disposable income to give a donation to a, a scholarship fund a tax benefit for money that they're paying into the General Fund. So I don't know, I'm going to think about it. I just want to put that out there in case anybody else had something else they wanted to say about it so they can maybe educate me further about it. But I will get back in the queue, talk a little while, I'll keep reading about this. I appreciate the conversation. Thank you, Mr. President.

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

LOWE: Thank you, Lieutenant Governor. I stand in support of LB753 and I'm receiving emails and a lot of them, not 50 percent, but a lot of them say I'm writing to you for you to oppose LB753, private education should come from private funds. Our taxpayer dollars go to support the children from all walks of life. And I think that's what we're also talking about here because this is a tax credit. They say that the money will be funneled away from our public schools. Well, maybe they would like us to get rid of the other 30 tax credits that we have in Nebraska, something like the affordable housing tax credit, the community assistance tax credit, the renewable energy tax credit, qualified emergency responders tax credit, the community college tax credit under the Nebraska Property Tax Incentive Act, the Social Security income tax exemption, the military retirement assistance-- retirement income exemption. These are all tax credits. These are before it gets to the IRS. These all take money away from public schools? No, they don't, not in their minds, only this one does. And with that, I'd like to yield the rest of my time to Senator Linehan.

KELLY: Senator Linehan, that's 3:15.

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LINEHAN: Thank you, Mr. President. Thank you, Senator Lowe. So I want to address a couple of things Senator Cavanaugh said which I appreciate because I like questions because then I can remember what I forgot to say. This is not government money. The Supreme Court has decided, the U.S. Supreme Court and several state court decisions have been made that say clearly that if the-- it's not government money until we have it in our hands. So as Senator Lowe-- thank you very much, Senator Lowe-- just pointed out, we have multiple tax credits on the books already, the biggest one being our incentive package, which is hundreds of millions of dollars every year that was re-upped. It started in 1989, it was LB775, and then it was Nebraska Advantage and now it's the Nebraska Imagine Act. It's huge and we've had it for four decades and we have still managed to do many other things. So the comparison of this tax credit with others is tiny. It's not government money unless, unless you want to make the argument, and I'm sure there were some that would, that every dollar we earn in our private lives belongs to the government unless they decide to let us keep it. Because that's where if you follow the trail on this being government money, that's where it takes you. The only money that belongs to you is what the government doesn't take. I think Senator Cavanaugh also asked a very good question about someone should track these students. Are they in public school and then they go to private school and then go back to public school? I don't know that is specifically in the bill, but I think the Legislature could definitely ask for that because the Nebraska Department of Ed is responsible to track every student in the state of Nebraska. They need to know what public school they're in, what grade they're in. They also have to track private school students, where they are and homeschool students.

KELLY: One minute.

LINEHAN: There is, and I will speak to this next time I get an opportunity, there is this fallacy that somehow private and accredited schools aren't under the purview of the Nebraska Department of Ed. We have one of the most stringent overviews of private schools in the whole nation. In the book I have, plenty of them here to share, there are six pages of regulations that we-- that the Nebraska Department of Ed, and I'm sure the Legislature helped with this, has over the private schools. So don't think that they're not regulated. They are highly regulated. Thank you, Mr. President.

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

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DeKAY: Thank you, Mr. President. I rise in support of AM1253, which we will be talking about later, and LB753. I would like to thank Senator Linehan and Senator Hughes for working with me on this amendment. On the bill itself, I think there is merit to the proposal. I want the best for all the families in Nebraska and for all children to get the best possible education they can. There are times when a public school offers the best education opportunities for a student, but there are also times where I could see where a private school may be what is best for a particular student. Senator Linehan has eluded to the criteria that will be part of this LB753 and she alluded to it twice so I'm not going to rename all the criteria that's involved in this. With that said, it's been mentioned on, on the floor that Nebraska does not have a system in place where it comes to private school scholarships. I have two concerns that I feel AM1253 addresses. First, AM1253 would close a potential loophole by limiting how much a scholarship-granting organization could carry over to the next year. SGOs are capped, carrying over 25 percent of the net eligible contributions per year and must transfer excess funds to another qualified SGO. If there is no SGOs that can take the funds, then the funds will be transferred to the General Fund. Ultimately, I don't want to leave open the opportunity that money will just sit there and accumulate without doing anything year after year. Additionally, if there is a high demand in one area of the state and low demand in another part of the state, the SGO in the low-demand area would distribute its excess to SGOs with a high demand, thereby ensuring, ensuring more students can benefit from the scholarships. Second, AM1253 would create accountability by requiring that each scholarship-granting organization report annually to the Department of Revenue. This report is then forwarded to the Governor and members of the Legislature to review. There will be, there will also be biennial reports to the Chairman of the Education, Revenue, and Appropriations Committees that will take into effect on June 30, 2027. I feel if we are going to grant tax credit the Legislature should have the opportunity to evaluate where the money is going and how it is being used. With this information, we can be better informed on how to make tweaks and fixes moving forward. This will also help us be able to evaluate what the benefits and detrimental process would take place within the public schools, how, how it would benefit them, or if it would be detrimental to public schools and to private schools, every school in the state would be under the scrutiny of this process. I would also urge the body to vote in favor of AM1253 and thank you for your time. I yield the rest of my time to Senator Linehan.

KELLY: Thank you, Senator DeKay. Senator Linehan, 1:30.

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LINEHAN: Thank you, Mr. President. And thank you, Senator DeKay, for that explanation. So I'm just going to go back to the accountability and accredited of what private schools have to do. Teacher certification, they have to have the same teacher certification that public schools have. They have their questions about testing. They have to have norm-referenced testing required.

KELLY: One minute.

LINEHAN: Approved nonpublic schools must administer whole grade norm-referenced test no earlier than grade two and at least in grade one and each, excuse me, in at least one grade in each of the following three levels: four to six, seven to nine, ten to twelve. And as far as I know, the private schools all pretty much take the ACT because that's how we all measure results at the end. So thank you, Mr. President.

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

BRIESE: Thank you, Mr. President. Good afternoon, colleagues. I first want to thank Senator Linehan for her work on Opportunity Scholarships. She's been working on this endeavor for years and appreciate her relentless efforts in this regard. And in my view, it's a program whose time has come for Nebraska. It's time we put this in place. And it's really a program that truly can create opportunity for our young folks who might not thrive in a traditional school setting. In fact, it targets some of those kids. It targets low-income kids. It targets kids that have been bullied. It targets the disaffected children who really need this help. It creates opportunity for those who need it most, but yet we do hear concerns leveled at the idea. You know, some suggest, well, we're using state dollars to support private schools. You know, if you're talking vouchers or charter schools that might be an accurate description, but this is different. With Opportunity Scholarships, we're simply leveraging state dollars to encourage contributions to the private. But perhaps the loudest concern leveled at the idea is the suggestion that this somehow takes away dollars from public education, that we're going to somehow hurt public education with this. And that just really doesn't resonate with me and I want to address that here. If the issue is taking dollars from public education, then the same thing really can be said about every A bill that we pass. And I think Senator Lowe did a nice job of describing some of the programs that the tax credits we use that really don't garner any opposition from the education community but this one does, unfortunately. And we're only talking, and we are

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talking \$25 million a year here. This really isn't going to harm public education one dit-- one bit. You know, we dedicate roughly one point billion-- excuse me, \$1 billion in TEEOSA aid annually to our public schools. And then you add in SPED and several other programs. When I say \$1 billion, I'm talking equalization aid. But when you add in SPED and several other programs, we're getting up to close to \$1.5 billion a year that we put in state money into public education currently. And indirectly, we're probably putting in another \$560 million through the 1107 refundable income tax program and I would suggest that 60 percent of what we put in to the Property Tax Credit Fund currently arguably goes towards public education in Nebraska. So there's roughly \$2.25 billion we already put into public education. And with the Governor's proposals, we're going to add another \$350 to \$400 million to begin with, and that's going to grow to \$600 million, \$700 million, somewhere in that area. So at the end of the day, I would suggest to you that we're currently putting in or soon will be putting in \$2.6 to \$2.7 billion per year into public education in Nebraska. And what are we talking about here? We're talking about \$25 million. And I'm not a math major, but I believe that that is less than 1 percent of what we're talking about putting into public education, 1 percent. But yet public education squawks about this. You know, colleagues, this isn't going to harm public education one bit. You know, this is something that a large swath of Nebraskans and a large swath of your constituents want to see put in place. And it's time that we respect their wishes on this. We're not going to harm public education by doing this. We're not taking away dollars from public education. And I submit it's something that we need to get put in place and I would ask for your support of LB753. And I would yield the balance of my time to Senator Linehan.

KELLY: Thank you, Senator Briese. That's 1:14, Senator Linehan, if you want that time.

LINEHAN: I'm sorry, Mr. President. How much time?

KELLY: You've got 1:05.

LINEHAN: OK. Thank you. So I'm getting several questions on the floor so I do know that the fiscal note changed, which is ironic because every-- I argued for five years that it could save money. And now that it does save money, it's a problem so I don't know. I will address the fiscal note if somebody wants to ask me a question on the mike. The other thing I handed out and I would like to talk to you when I get a little more time is comparing Nebraska to Florida because there's been several people who said this hurts public schools. If you look at

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Florida where Jeb Bush, and Jeb Bush is one of my heroes, I will admit that, he has spent his whole life, well, not his whole life, but since he's been governor in Florida he has spent all of his time that I know of working on making life better for students in public and in private schools. He is a reformer and he spends a considerable amount of time on this. So when I get up next time, hopefully when I'm in the queue, I'm going to talk about all the work that Jeb Bush has done and continues to do for children across the nation. Thank you.

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

BOSTELMAN: Thank you, Mr. President. I going to talk a little bit more, Senator Lowe started on some of the tax credits in Nebraska. I'll try to go through a few more of those. Some other tax credits in Nebraska is Imagine, Nebraska Advantage, the New Markets Job Growth Investment Tax Credit, the rural development tax credit, Nebraska Historic Tax Credit, the Nebraska Higher Blend Tax Credit, early childhood tax credit, Nebraska Earned Income Tax Credit, School Readiness Tax Credit, the tax credit for residents-- residencies in extremely blighted areas, tax credit for elderly or disabled, Quality Jobs Act tax credit, the Microenterprise Tax Credit, the Biodiesel Tax Credit, the credit for Financial Institution Tax Credit, Beginning Farmer Tax Credit, credits for franchise taxes paid by financial institutions, stillborn child tax credit, Renewable Chemical Production Tax Credit, the income tax credit for property taxes paid for General Fund public costs. One thing going back to the community college property tax credit, that runs, that's estimated to be \$50 million under this tax credit that's claimed for the community colleges. Also, the school district property tax credit is \$548 million. So there are other tax credits out there that people take advantage of. I, I am against motion 822 to bracket. I am supportive of LB753. I know Senator Hughes had talked about an amendment, I think my understanding-- I need to look at it a little bit more, but I think that amendment is beneficial to the bill and I'd like to see that amendment get put on it as well. But with that, I would give any time that Senator Linehan would like to have, be more than to yield that to her.

KELLY: Thank you, Senator. Senator Linehan, 2:50.

LINEHAN: Thank you, Mr. President, and thank you, Mr. Bostelman. So I think if you can find this, it's red, white and blue on your desk, it compares Nebraska to Florida. So Florida families have been enjoying school choice for over 20 years, while Nebraska remains-- there's a

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typo here, now we remain the only state in school with no school choice. And here are some key findings: between 2003 and 2022 Nebraska's eighth-grade reading performance growth was negative seven, that puts Nebraska at 38th in the U.S. Florida and Arizona, both states with choice, school choice programs that grew during those years, are in the top ten for performance growth. During the same time, Florida closed their achievement gap, and this is very important, Florida closed their achievement gap between black and white students by negative 11 points, whereas Nebraska's gap grew by two. Both states closed the gap between white and Hispanic students, but Florida's gap closed by much more. Today, Hispanic students in Florida are a full year and a half ahead of Hispanic students in Nebraska in eighth-grade reading. Black students in Florida perform 11 points higher today, the rough equivalent of one school year. Florida's free and reduced lunch eligible students gained seven points in eighth-grade reading during this time, growth that puts Florida at number three in the country. Nebraska's free and reduced lunch eligible students lost five points, putting Nebraska at 37th. At a time when Florida's scores increased and surpassed Nebraska scores, particularly for the historically disadvantaged groups--

KELLY: One minute.

LINEHAN: --participation in the state's tax credit scholarship grew. This is about students and children and low-income students and I am not, I am not trying to detract from public schools. Matter of fact, I haven't talked for three or four years ever-- when, when Superintendent Logan came to Omaha, I called her. I told her I support her. I'd do whatever I could to help her. I have not talked about her school since then. But we have a problem in Nebraska, and we can't keep telling ourselves that every child is doing as well as they could in every school. We need to give these children, especially low-income children, children of color, opportunities to succeed that they don't have today. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Senator Jacobson, you are recognized to speak.

JACOBSON: Thank you, Mr. President. I am going to yield some of my time to Senator Linehan, but I just want-- thought it might be good to give everyone my opinion here. I am opposed, of course, to the bracket motion and, and do support both the amendment and the underlying bill. I really want to thank Senator Hughes and Senator DeKay and a few others that worked together with Senator Linehan to make what we think were some important modifications to the bill through that amendment.

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And I truly appreciate Senator Linehan's willingness to work with us. And I also want to echo the, the comments of Senator Briese. I, too, have gotten a lot of emails from public schools. I've met with a lot of superintendents and others. The fact that this scholarship program is happening has nothing to do with taking away from public schools. It's completely unrelated. You could argue that it's taking other tax dollars, but it's not taking anything away from public schools. In fact, we're funding public schools at a higher amount. A large portion of that, of course, is going to go back to the property taxpayers. But we are doing more to help public schools, and we will continue to do more to help public schools as we move down the road. I think the accountability measures that are being brought into the, the amendment are important changes, and we'll continue to monitor this as we move forward. But I think it's a great step forward. Senator Linehan has worked on this from the beginning and I appreciate her efforts. And I'm going to yield the remainder of my time to Senator Linehan since I warmed up the mike for her.

KELLY: Thank you, Senator Jacobson. Senator Linehan, that's 3:25.

LINEHAN: Thank you, Senator Jacobson, and thank you, Mr. President. We-- I could have stories here of children, one of the, one of the groups in Omaha, so I don't know, it's been ten years ago, maybe ten years ago, maybe longer, there was three schools in Omaha that were going to close, little elementary schools because they were in eastern parts of the city and they couldn't stay open. And there were a group of individuals who said that's not right. Those are the schools where kids need, we need these schools for those children so a group of individuals have kept those schools open for the last several years. They are three Catholic churches. Most of the students in those schools are not Catholic. Most of them, I want to say, above 80 percent, one of them might be above 92 percent are free and reduced lunch children. There is no way they would be in those schools without scholarships, but they never have enough room, guys. They don't have rooms. Their buildings are big enough, but they don't have-- they have the room, I'm sorry, as far as physical room, but they can't raise the funding. There's some kind of thought, and I've talked to people on the floor, well, everybody that needs a scholarship is getting one already. That's just not true. They turn down kids every year, every scholarship-granting organization, we have one in Omaha now, Omaha scholarship-granting organization. They turn down children every year. So we have kids-- here's what-- now let's talk about kids who get bullied because I'm experiencing this right now in my own family. How would you like-- now, I am not-- none of my grandchildren [INAUDIBLE], thankfully, because my children are lucky. I've been lucky, none of my

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grandchildren would qualify. Well, that's not true, maybe some depending on their dad who is in the National Guard, but they're very happy in Aurora Public Schools. But financially, none of my children or grandchildren would apply for this program. But if I had a child or a grandchild that was in school every day in tears because they hated it, because they were being bullied, what--

KELLY: One minute.

LINEHAN: --what would you do? Because I don't think any of us in this body are in this situation, I have no choice. It's against the law not to send them to school. I have to work to keep food on the table so homeschooling is not an option. So I drop off my second grader, and I don't know why second graders are getting bullied but I guess it's the thing nowadays, I drop off my second grader at school every morning in tears and there's no option because there's not enough scholarship money to go maybe two blocks the other way to a school that would be a better fit. My heart is all in on this and I am willing to stay here all afternoon and tonight or whenever between now and Final to answer any questions you have. Thank you, Mr. President.

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

von GILLERN: Thank you, Mr. President. I rise in support of LB753 and against the bracket motion 822. Just want to speak to a couple of misconceptions about the Opportunity Scholarship and, and I, like others, I'm sure have received numerous emails from constituents and others around the state that are interested in this issue. Interestingly, some of them in my district, I represent Elkhorn schools and Millard schools and a small piece of OPS. Millard and Elkhorn, I would say, are very high-performing schools and some of those families really had difficulty understanding why, why this bill was so important. And I can see the challenge of understanding that because they're involved in, in, again, in high-performing school districts so they're not as close to a scenario where kids don't have the same opportunity that their kids do, that they're not in districts that are performing to the same level that they are and essentially are trapped in a school situation that they really have, as Senator Linehan said, have no choice to, to be in or out of. So it's been interesting to share information with, with each of them on a, you know, one-by-one basis and clarify, clarify that where I can. I do want to share specifically in, in Omaha, there's a, a ministry called CUES, it's C-U-E-S, the CUES School System. And there are three schools in the CUES System: Sacred Heart, All Saints, and Holy Name

grade schools. It's really a, a, a terrific organization. If you want to look it up, it's cuesschools.org or just Google CUES Omaha and it'll come up. But just a couple statistics that debunk some of the common myths about the Opportunity Scholarship Act. At the CUES, just in-- this is just in the CUES System, there were 527 students last year, 93 percent of those families received free or reduced lunch. Two of the three schools are community-- CEP, Community Eligibility Provision, 93 percent of those kids are children of color. If you pull up their website, there's photos of the kids and they're black and brown kids primarily and the-- it's, it's a, it's an amazing place. The kids do super well. I went down for a tour down there a number of years ago, walked into a classroom and one of the kids was appointed to be my host and I think it was a third grader stood up, walked over, shook me by the hand, introduced himself, and then introduced me to the rest of the classmates. And it's just a, it's a, it's really a heartwarming place to visit. Here's an interesting statistic, 52 percent of the students and 85 percent of the students at Sacred Heart are not Catholic. So this myth that the Opportunity Scholarship Act and private schools discriminate is just simply not true. And I know that this is the case within other private schools and schools that would benefit from students who would be funded through, through the program. Here's-- this is really compelling, 94 percent of CUES's students graduated from high school on time. The CUES schools are right in the, the heart of the Omaha Public Schools District and their graduation rate, I think the last graduation rate there was 78 percent, which obviously is disappointing and certainly 94 percent from the CUES student, CUES students is an outstanding graduation rate. So they're doing something right. One hundred forty-four of those kids received scholarships out of 527. Of course, this would, the Opportunity Scholarship would provide a means for even more kids to do there. Again, just another point, it is not a Catholic student or a Catholic school to educate Catholic students. They're open to people of all religious backgrounds. Then one other myth in sitting in on the Revenue hearings we talked, there was a lot of talk about special education, and I was really pleased, you know, there's-- this always feels like a public versus private school debate and, and it really shouldn't be that way. And the, the special education--

KELLY: One minute.

von GILLERN: --thank you, Mr. President-- special education scenario is really compelling because there were many of the schools that talked about their partnership with public education, public schools in their district. So the private schools were educating the special needs kids, but they were partnering with the public schools for some

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of the special education elements of that. And frankly, both of them testified that it was beneficial to their districts. There's some qualifications, restrictions about federal special ed funds following the student to a private school, that can't happen, so this partnership between the two organizations was very compelling. And it was refreshing to see that both the public and the private schools in those communities figured out a way to benefit those students which, again, is all of our goal. With that, I yield the remainder of my time. Thank you.

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

BLOOD: Thank you, Mr. President. I do stand in opposition to the bracket motion, but I am still yet listening to the debate on LB753. And with that, I would ask that Senator Linehan yield for some easy questions.

KELLY: Senator Linehan, will you yield to some questions?

LINEHAN: Certainly.

BLOOD: Senator Linehan, as I've been listening to debate I keep reflecting back on the bill and I'm curious, and I mean this sincerely, how did you come up with the tiers? Why did you do the tiers the way that they are because I have a question about the second tier? What made you decide to do each one in the demographic that you did?

LINEHAN: Actually, and she might be surprised by this or not remember, but last year when I was talking to Senator Day she wanted, because I think she has a good grasp that there are a lot of kids on free and reduced lunch, and she wanted to make sure that we took care of, of the least of the free and reduced lunch students before we went to all free and reduced lunch students so that's why I picked 100 percent poverty. And then we went back to the 185 percent poverty because that's free and reduced lunch and then we went to the 213 because that is CHIP program. And then the military and the bullied and the special ed, those are just children who can get lost and their parents feel like they don't have support and maybe a smaller school works. So that's how we prioritized.

BLOOD: And, and that was one of my concerns because at the last round of debate we kept hearing about harassment and bullying and sexual activity. And, and I was surprised to see IEP in the second tier as opposed to not in the first tier. So I, I hear you talking about

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money, but I'm talking about, you know, when we talk about those that have issues because that's what we keep hearing on the mike. And so am I hear-- if I hear you right it's more about income first. And then, yeah, I mean, we got to be honest, some of the heartstrings that were pulled were in reference to bullying and, and kids with disabilities that's my disconnect on this bill.

LINEHAN: I've, I've made a mistake.

BLOOD: OK. Fair enough.

LINEHAN: The first tier is students who are already in the program. I think is a better way than we've written, the bill's written who's already received a scholarship. But that gets confused with children who already have but has to be in this program.

BLOOD: All right.

LINEHAN: So the first tier is we don't want to start a child in school and then not have money for them next year; so once you're in the program, you stay in the program.

BLOOD: You're in the program.

LINEHAN: OK. Then the second tier is 100 percent poverty and students denied option enrollment and students with IEPs and students who are experiencing bullying, harassment, hazing, assault, and students whose parents or guardian are serving in the Armed Services, National Guard, or were killed in duty. So they're in the second tier only behind students who are already in the program.

BLOOD: All right. I, I appreciate that. For, for me, it's, it's kind of a disconnect because I feel like it's almost more pressing if a child is being bullied than-- so you hear where I'm coming from?

LINEHAN: I do and it's, again, they're, they're at the top of the list except I don't think we'd want to take it away from a student that's already happy in a school.

BLOOD: Right.

LINEHAN: So hopefully there's enough funding for both.

BLOOD: All right. Fair enough. Thank you, Senator Linehan.

LINEHAN: Thank you.

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BLOOD: I appreciate it. And so I, I have to be honest, and, and Senator Linehan knows this, I'm struggling with this bill. And I feel bad because I actually like Senator Linehan and so this is the hardest part for me to be a senator when I don't actually like legislation that they bring forward. But I'm going to--

KELLY: One minute.

BLOOD: --I'm going to continue to listen to the debate and see if a light bulb goes off for me. But I do appreciate Senator Linehan answering my questions because I have been thinking about that since the last debate. So thank you, Senator Linehan.

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

DUNGAN: Thank you, Mr. President. Colleagues, I, I do rise today still in opposition to LB753 and I suppose in, in favor of the motion 822, the bracket motion. I would reiterate to start with some of the, the comments I made on General File, which is that I understand the important nature of this bill to Senator Linehan and I do appreciate sort of the, the general intention behind it, which I know is to, is to help kids. And one thing we talked about all morning and early afternoon on the bill that we talked about earlier, which I don't intend to get into, is our shared desire to help children. And I genuinely believe that that is the intent behind this bill and so I do thank Senator Linehan and others for their, their hard work on this. I remain concerned, however, for a number of reasons. I'll probably have enough time to talk about a few of those here today. One thing I do, I do want to note is that the amendment that, that is here, I think does make an effort to address some of the concerns that were brought up on General File, both things that were mentioned on the mike by individuals as well as things that were mentioned off the mike to me. But I do fear that the amendment that we're going to talk about later today doesn't go far enough to address a number of those concerns. One of those concerns I know that was brought up by a number of individuals was the overall cost of this program. I know that we're talking about \$25 million and that it stays \$25 million for a few years. But ultimately, this escalator clause can kick in where, and if I remember correctly, if 90 percent of the funds are used then it will escalate by a set amount until it caps out at about \$100 million, I believe, annually. Based on my conversations with folks during the Revenue Committee hearing we had on this and also looking at the numbers, I believe it's very probable that the escalator clause is going to kick in. I, I don't see a world in which individuals who are

savvy enough, both companies and people, to utilize this tax credit, will not do it to its fullest extent. And so I, I do believe that we're going to find ourselves in a situation where ultimately that escalator clause is triggered. And in a time where we are having ongoing discussions about this package that we continue to talk about, both with regards to taxes, tax reductions, rather, as well as new expenditures, I remain concerned that we are ultimately placing ourself in a precarious position. And that precarious position is one where we are ultimately investing a number of dollars on various programs like education funding, which I've been very clear I do support overall increase in state aid to schools. Even if I have concerns about the particulars of that program, I do support the overall theme and theory of that, but we're increasing a number of expenditures while simultaneously decreasing our income. And what we saw obviously on the fiscal note that came out recently about the package with regard to income tax and corporate tax was that that's probably going to cost a little bit more than was anticipated. I'm eagerly looking forward to some of the other fiscal notes on that. And we're having conversations, I know, about what the ultimate cost is going to be for all this. But in a situation where we are investing money in a number of things and, and money that is going to exponentially grow to a relatively high sum of that \$100 million, I want to ensure that the money that we're spending is being targeted in a way that is going to be beneficial. I absolutely believe that private schools have their place in our state. I know a number of individuals who went to private school. A number of people I know who are close to me graduated from private schools and enjoyed it. But I don't believe that it should be in the purview of our state to be essentially giving money, tax credits to folks who are donating to those private schools. They can exist, but I don't think they should be funded by the state. And I understand that there is a disagreement we've had consistently about whether or not this qualifies as state funding. I do intend, as I talk more on the microphone, to kind of go through my arguments and explanations as to why I believe this does--

KELLY: One minute.

DUNGAN: --thank you, Mr. President-- rise to the level of state funding. But I just think that if we're going to be doing that, we should make sure these are targeted and we shouldn't be in the business of supporting those schools as a state. Studies have shown, and I quoted a lot of these on the general debate and we'll get into it more, I'm sure, later, too, studies have shown time and time again that especially on wide-scale, large-scale programs that are statewide with vouchers and voucheresque programs with tax credits, we have seen

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scores go down and we've seen standard deviation decrease in both math and English scores when people have moved from public schools into private schools. Specifically people of color and indigent folks who move from or take advantage of these voucher programs who move into private schools, we have seen a reduction in scores. And so if we are going to be spending our money, I want to make sure we're doing so responsibly and I want to make sure we're getting our bang for that buck. And I think the best way to do that is going to be reinvesting in our public schools and allowing those who are already donating to scholarships for private schools to continue, continue to do so. So, colleagues, I'll continue to talk about this. I'm curious to hear more debate about the amendment and I look forward to having this conversation for the next couple of hours. Thank you, Mr. President.

KELLY: Senator Dungan, thank you, and Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. I stand in support of the bracket and I have an amendment to LB753, much along the lines of Senator Hughes's comments that she's raised with different concerns. But I know Senator Briese made a great comment, there's no reason why we should think that we won't be funding public education. Well, the truth is we haven't, as a state, been funding public education. We're ranked 49th in the-- right down at the bottom of the barrel in terms of providing for public education in our state. That's why we're doing that transformative packet to really shift that burden away from local property taxes back to the state which is a great idea, very commendable idea. We have every reason not to trust the state of Nebraska. Historically, they have always underfunded their financial commitment for special education. So as much as we'd like to embrace this wonderful idea that we are going to be funding private education for kids of low-income, modest means, Senator Linehan was very clear, children of color, that is a, a very honorable goal. And I, I applaud that and I certainly really admire Senator Linehan for her hard work and labor on this. But there are some concerns with LB753. And I have to tell you I'll be, for full disclosure, I am a product of private Catholic schools, elementary school, Pius X High School, Creighton University, Georgetown University for my master's. But those were choices my parents made, and we all know that how fundamentally important public education is. It's the greatest equalizer in our society. So that is why we as a state, as communities, as local school districts fund that. So I just want to, to give just a couple of, of things. It does take away from funding for public education and how, how does it do that? OK. First of all, let's look at some of the numbers. So the number of students in public education and these

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numbers come from our Nebraska research center, there are 328,721 kids in public education, nonpublic schools we have 36,656. In the public schools, those that qualify for free, reduced lunches is 162,907. Just, you know, more than a third of those students who go to public schools. Those that are in private schools, nonpublic schools that qualify for free and reduced lunch are 5,779. But another number in the nonpublic schools are those children, 2,152 of them that are special ed students. But there was an asterisk by that, this is the nonpublic special education students are served by the public schools, so they may be attending the private school but they're being served for their special education needs in a public school. So going back to how does that work? Well, OK, so we established that there are low-income kids that qualify for free or reduced lunch in the nonpublic schools are 5,779. So we look at how many of those kids that are currently attending public school might transfer to a private school with this new opportunity open to them. And so working with some estimates and they came up with, let's say, 5,000 public school kids would transfer that would reduce the Educational Opportunities Support Act--

ARCH: One minute.

RAYBOULD: --thank you, Mr. President-- by about \$11.8 million, \$11.8 million that would impact it. So, you know, Senator Hughes had some great ideas. I came up with this on one of the amendments to say that there should be restrictions. It shouldn't be allowed to keep growing and growing. And my restriction was saying that, you know, you restrict it: except that no increase in the annual limit shall occur unless all public education funding obligations of the state are fully funded and, most importantly, disbursed. And so the next time on the mike, I'd like to ask Senator Linehan a few questions that I've already given her. Thank you, Mr. President.

ARCH: Senator Albrecht, you're recognized.

ALBRECHT: Thank you, Mr. President. I rise in support of LB753 and I want to thank Senator Linehan for her seven years of diligent work on this particular topic, it only keeps getting better. I understand that she is carrying it on the behalf of Governor Pillen. I'd like to just read a little story about Brandon [PHONETIC], Brandon's story: When my brother was younger, he was told by my dad that he wanted to be just like him. But my dad said, no, I want you to have better. And growing up my dad told us that the only way to have a better life than he had was through education. A high-quality education should be available to everyone because no matter what walk of life you come from, whether

from a high-income family or a low-income family, education can provide you with the support to overcome the barriers placed on you by society and allow you to have a better future for yourself and your children. School choice is parents being able to decide what school to send you to and what type of education you receive. I'm grateful for my school and for my parents' willingness to work hard so that I can have a better life. You know, these-- there's a lot of information that I know that when we get up here after listening to it for eight hours, now we're back on four hours, but I think it's important to go back to the basics and let the public know what we're talking about here since we are on Select File and how LB753 would work. The Opportunity Scholarship Act in Nebraska is tax credit scholarships. They provide-- they're provided to expand school access to many Nebraska families who can't afford the best education setting for their children. The state would provide \$25 million in total income tax credit to incentivize donations to scholarship-granting organizations. And I would, in fact, be supportive of Senator Hughes's amendment. The proposed program would provide 100 percent state income tax credit for donations to scholarship-granting organizations. Donations are capped at 50 percent of the individuals or the business state tax liability. Donations would be made to scholarship-granting organizations, which then award scholarships to eligible children. And the best part is the program would give priority to students and families at 100 percent poverty level, as well as students with exceptional needs who have experienced bullying, they're in foster system, the military families, or they've been denied option enrollment. Why Scholarship tax credits? Scholarship tax credit programs create new pools of funding so that children can receive scholarships to attend private schools of their choice. There are 25 scholarship tax programs operating across our country. And research has demonstrated that these programs are positive for student achievement, they save money for the state and local governments, and studies consistently demonstrate that public schools benefit from the existence of scholarship tax programs. Twenty of the 21 studies show these programs improve the performance of nearby public schools. The nation's largest school choice program is a scholarship tax credit in Florida which serves over 8,000 students. And I think it's important we have some myths that people talk about, and one of them is that public schools score higher on standardized tests. In 2022, Nebraska private schools scored--

ARCH: One minute.

ALBRECHT: --on average of four points higher than public schools. In 2022, the private school, the ACT average was 23.2, where the public

school average is 19.5. Another one, only recently have court decisions supported school choice. The truth is, court decisions supporting school choice have gone back as far as 1925, when the Supreme Court of the United States ruled that it was unconstitutional to require students to attend public schools. In its decisions, the court upheld the right of the parents to make the educational decisions on behalf of their children while acknowledging the state's right to regulate education, even in the nonpublic schools. Thank you, Mr. President.

ARCH: Senator Sanders, you're recognized.

SANDERS: Thank you and good evening, Mr. Speaker and colleagues. I stand in full support of LB753 and I want to thank Senator Linehan for introducing this bill. Today, is an apt day to discuss LB753. North Dakota's House of Representative just passed school choice proposal today, sending it to the governor's desk. If it is signed by the governor of North Dakota, we will be the last state to adopt a school choice policy. I want to say that the Opportunity Scholarship Act is one of the best ways the state can support special needs education. I know we discussed this when we had debated LB583, my TEEOSA bill on behalf of the Governor. Nebraska is making historic investment in special needs education and LB753 will help. We all know that school choice policies help parents find the ideal learning environment for the unique needs of their child. More and more parents are finding that the best place for their child with a disability is to have opportunities and choices. Even though our public schools often do a wonderful job educating our children with special needs, it is imperative for us to give parents a choice. If a private school would serve their child better, for parents with limited means, there is no choice. LB583 would change that. As I said on General File, I want to emphasize that LB583 prioritizes supporting children with disability. The bill creates-- LB753, I'm going to correct myself, LB753 prioritizes supporting children with disability. The bill creates a five-tier program to determine who should be prioritized for Opportunity Scholarships. Students whose household income is below poverty and who have an individual education plan, also known as an IEP, are prioritized over all other first-time applicants for a scholarship. I do want to mention the two private schools that operate in Nebraska solely for those with these needs. Both schools, Madonna in Omaha and Villa Marie in Waverly, would qualify under this bill. So to close, I will support this bill because it will help low-income students with disabilities find a school that is perfect for them. I hope my colleagues will do, do so as well. Finally, we continue to hear that this bill will take away money from public schools. Again,

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this is not true. On the contrary, public schools would save money it would have cost to educate that child. This is a proven fact and that concept saves participating states anywhere from \$13 million to \$100,000-- \$120 million every year. Again, thank you, Senator Linehan, for introducing this bill. Thank you, Mr. President.

ARCH: Senator Brandt, you're recognized.

BRANDT: Thank you, Mr. Speaker. I want to talk a little bit about property taxes. The last fiscal note, and everybody can look it up, has a calculation in here, and I'm going to read this and how this could impact public school funding, so: A reduction in General Fund expenditures related to state aid to schools pursuant to the Tax Equity and Educational Opportunities Support Act, TEEOSA, is possible, but the exact amount is indeterminate as described below. Many students impacted by LB753, AM338 could be transfer students from public schools to private schools. The estimated number of students who could utilize scholarships and transfer from the public school system to the private school system is 5,000 students. We do not anticipate school district expenditures to decrease relative to the reduction in students. For expenditures relative to a school district to decrease, there would only need to be a reduction in the number of students in the public school system, but also the reduction would need to be concentrated at the building or even classroom level to reduce expenditures. However, for schools with more than 900 students, the basic funding component of needs is based on the average adjusted General Fund operating expenditures per formula student times the number of formula students. Therefore, a reduction in the number of students impacts needs in the TEEOSA formula. A reduction in the number of students also impacts a calculation for net option funding calculated, calculated based on the average cost per student, which will be higher with fewer students in the public schools. A change in the number of formula students can impact the overall needs of districts in varying amounts, depending upon which districts experience a change in the number of formula students. For example, if all of the estimated 5,000 students transfer from the 11 school districts with the highest enrollment prorated by proportion of enrollment for those 11 districts, some districts receive an increase in TEEOSA equalization aid, and some districts receive a decrease in TEEOSA equalization aid, resulting in a net reduction in total TEEOSA aid of \$11.8 million. My point is this, most of these school districts, my school districts that receive fluctuations in TEEOSA aid or don't receive any TEEOSA aid, the cost of the school system never goes down. It goes up. That leaves your school board with one option, and that's to backfill with property taxes. So I guess if we're going

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to be amending things and fixing things on this bill, I would really like to make sure that the existing public schools are made whole by any impact that this may have on their public funding. And with that, I would give the rest of my time back to the Chair.

ARCH: Senator Linehan, you're recognized.

LINEHAN: Thank you, Mr. President, and thank you, Senator Brandt. Would Senator Brandt yield for a question?

ARCH: Senator Brandt, will you yield?

BRANDT: Yes, I would.

LINEHAN: So, Senator Brandt, do you have a lot of equalized schools in your district?

BRANDT: Two, two out of 14.

LINEHAN: Two out of 14. And those schools would be?

BRANDT: Crete and Norris.

LINEHAN: OK. So-- thank you, Senator Brandt-- here's the situation with this fiscal note. For five or six years, whatever, they said again and again in the Fiscal Office it wouldn't save any General Fund money. So everybody, when I tried to argue that we could actually save money with this program, everybody argued, nope, no savings it's going to cost \$25 million. It's going to cost \$25 million. It's always going to cost \$25 million. So you pick your poison here. The bill either costs \$25 million or the bill only costs \$25 million minus \$11 million. So now we're only talking about \$13 million. So I've-- it's fun to work a bill for seven years because you learn that no matter what you do, there's something they don't like about it. Here's the situation, this is a package, we all know it's part of the package. And Senator Brandt understands the school formula very, very well, and he understands that we are going to give public schools another \$300,000, \$300,000, ha-- \$300 million every year and part of that is to pay for 80 percent of special ed, which Senator Brandt also knows-- Senator Brandt, would you yield for a question?

ARCH: Senator Brandt, will you yield?

BRANDT: Yes, I would.

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LINEHAN: So, Senator Brandt, if we were just paying 80 percent of special ed and \$1,500 per student, would it cost us \$300 million a year if that's all we were doing with the new public school funding?

BRANDT: I guess my understanding is the \$300 million are those two things.

LINEHAN: Why then in a third year of the \$300 million, are we leaving \$600 outside the formula?

BRANDT: That is a great question.

LINEHAN: But you know the answer, don't you, Senator Brandt?

BRANDT: I can surmise what the answer is, but I'd be speaking out of turn.

LINEHAN: Yes, because we're working on a package here and everybody has, we have to get votes for the whole package. And to get votes for the whole package, we have to make sure that the big equalized schools win, too. And the reality is many of them already get almost 80 percent of their special ed funding covered. Would you agree with that, Senator Brandt?

BRANDT: Yes, I would.

LINEHAN: Yes. So we have to move some of the new funding outside of the formula, which means there's funding that is going to exceed the equalized schools' needs as we know them today. Correct, Senator Brandt?

BRANDT: I would be totally in favor of getting rid of the \$600 kicker.

LINEHAN: But then we couldn't get to 33, Senator Brandt.

BRANDT: We could try.

LINEHAN: We've all decided that we've been up that mountain to get to-- you've been here how long, Senator Brandt?

BRANDT: Five short years.

LINEHAN: And how many in those five short years did you see us all struggle to get to 33?

BRANDT: Every year.

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LINEHAN: Yes. And what did we learn in those five years, Senator Brandt? If you try to pass just income taxes, can you get to 33?

BRANDT: Well, it depends what it looks like.

LINEHAN: Did you ever vote for cloture on an income tax package stand-alone before this year?

BRANDT: Oh, I don't-- I probably not without knowing what else was coming up next and I'll--

LINEHAN: Because what else do we have to--

ARCH: One minute.

LINEHAN: --put with the income taxes to get to 33?

BRANDT: Oh, we've got to rescue property taxes.

LINEHAN: Yes. Thank you, Senator Brandt. I'll yield the rest of my time back to the Chair.

ARCH: Senator Moser, you're recognized.

MOSER: Thank you, Mr. Speaker. I support the Opportunity Scholarship Fund. I think that it's important for these low-income people to have the opportunity to have another school to attend. The amount of money that's going to be spent through this tax credit is somewhere around 1 percent of what we spend totally on public school aid. So it's not very big by comparison. Second of all, it doesn't come from the general budget so it's not really competing with funds that we would spend on schools. And if you really want to talk about lost money and, and money not going to schools where it should, we should talk about TIF financing. TIF financing eliminates the tax payments on the improvements or the increased economic activity for 15 or 20 years. So the county doesn't get any money, the school doesn't get any money, the city doesn't get any money and that's millions, millions, way more than what we're talking about in this tax credit. I would yield the rest of my time to Senator Linehan if she'd like it.

ARCH: Senator Linehan, 3:30.

LINEHAN: Thank you, Senator Moser, and thank you, Mr. President. I'm going to go back and I know Senator Raybould said she's going to ask me some questions, but if she doesn't mind, I'm going to jump ahead a little bit. So she said there are 328,721 students in public schools.

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I think, and I could be corrected on this, but I think that's pre-K-12, which is fine, 162,000 of them are on free and reduced lunch, which if my math is right, and my sidekick here, Chairman of Appropriations, who always checks my math because he knows I make mistakes sometimes not here, but I think that means it's 49 percent. So I said 46 percent of the kids in school today are on free and reduced lunch. But I would agree there's probably fewer in private school on free and reduced lunch than in public schools so in private school there's 16 percent. So maybe considering numbers that comes up to about 45, 46 percent of children who are on free and reduced lunch in our school system. She is also right on the special ed funding. There are school systems, public school systems that do a great job of working with private schools and making sure that students who have special needs have an IEP get help and help the students in private school. The fact is, and they some do a better job than others, I'm not going to call out who's which, but they have to by law. If you live in a school district, you-- that school district has to provide any child living in that school district with special ed. It's the federal law, it's been the federal law since sometime in the '70s. What we're doing this year in the package that improves this so very much and Senator Wishart, I think maybe looking around the Appropriations Committee is working so they're not here, but Senator Wishart and I have worked since we both been here seven years to get special ed up to 80 percent. The special ed going up to 80 percent will help all children in all schools, public and private, because finally the school districts, especially school districts that don't get any equalization aid who are stuck with the whole, we're now at 42, 45 percent that we give to--

ARCH: One minute.

LINEHAN: --schools but this gets very complicated. Anyway, we're going to be at 80 percent. A lot of schools, and like Senator Brandt and I were talking about, there's even some more for the highly equalized schools like Crete, like Lexington, like Omaha, like Lincoln, they will have more funding to help those kids with special needs. And we finally are going to help rural schools who haven't been getting enough help for special needs schools, special needs students to have it. That's one of the biggest parts of this package, not this particular bill, but the package is we're finally going to be helping children with special needs and giving the schools enough money to make sure that we're doing the right thing by those children. Thank you, Mr. President.

ARCH: Senator John Cavanaugh.

J. CAVANAUGH: Thank you, Mr. President. So again, rise in, I guess, support of the bracket motion and opposed to LB753 and enjoying the conversation. And I'm-- interesting that we've turned back to the conversation about the broader package and not the merits of the bill itself. And I, I know-- I mean, I appreciate the Governor's interest in putting more money into schools and making sure that we are increasing our allocation for special ed and making sure that more schools are getting equalized funding. I think that is a really good step in the right direction. I think that's a good idea on its own merits and stands alone separate from this bill. You know, Senator Briese's bill that we fought about last week, I have some problems with that and some parts that I dislike less. And it, but it's an idea that has its own merit and stands on its own. And Senator Linehan's income tax, corporate income tax and personal income tax package is its own bill with its own problems and merits that stand on its own. And I, you know, we've filibustered that bill. I filibustered that bill for-- and I proposed an amendment that would have taken the top bracket down to only 4.99 percent instead of 3.99 percent and that, you know, got about, I don't know, ten votes or something along those lines. And-- but that was the crux of my opposition to that bill, was that I thought it took the top marginal rate down way too much. And-- but that was my problem with that bill. It, my problem with that bill was not that it was part of a package with this bill, a package being a separate bill that's progressing through the legislative process on its own separately. And I, I understand the, I guess, what you call it realpolitik of forcing people to vote for things that they don't like by binding them together. You know, saying if we don't pass this, you don't get that. The common way to do that, of course, is to put two things in a bill together, which has happened as well in these packages. We've seen some things that in, you know, I think it was the income tax package had childcare tax credits which, of course, I'm supportive of and other people that are like-minded with me are supportive of and they put things in there in an attempt to entice people to hold their nose and vote for the bill because there's something that they like in there. And then, of course, people who don't particularly care about that vote for the, the bill, despite the fact that it has child tax credit in it or childcare tax credit in it, because they want the corporate and personal income tax cut. But again, that's one bill and it's on its own. And it's not, I don't know if it's-- I'm, I'm not particularly, I guess I don't like the, the nature of this conversation where we are focused entirely on all of these bills as a package together. I, I generally, I understand what-- the conversation Senator Linehan and Senator Brandt just had about certain folks and I remember a conversation with Senator Friesen. It's

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a common conversation I had was that they, he and his friends, cohort at that time, were always in opposition to tax cuts for income tax cuts unless they got one-- dollar-for-dollar property tax money. I get it and that's what they, that was what they wanted to do. I just-- this seems to be a bit heavy-handed to--

ARCH: One minute.

J. CAVANAUGH: --continually forcing all of these bills together and talking about them as one package that has to be taken at all or nothing and no changes. Although, we're contemplating a change here today, though a modest one or, well, we're talking about it, I guess it's not on the board at this point. But I just think that when we're voting on these things and, you know, some people will vote for things because they like that and some people will vote against it and bills may pass, they might not. But I don't know if it's a good idea to hold people hostage for this bill just so we can-- because they want to make sure that they get property tax relief or they get increased funding for special ed in another package. If this is a good idea, it's a good idea. I don't like this idea, but a lot of other people do. So I don't know, that's my two cents on, I guess, the nature of the conversation but I will push my light and talk about the substance of the bill again later.

ARCH: Time, Senator. Senator Conrad, you are recognized to speak.

CONRAD: Perfect timing. Good evening, colleagues. Good evening, Nebraska. I rise in opposition to LB753, but I am listening carefully to the debate and I am looking carefully at the filed amendment and the updated fiscal note as well. Just wanted to echo kind of a, a general overview in terms of my thinking on, on this measure thus far is that from a general perspective I, I just want to reiterate and reaffirm that Nebraska has one of the best public education systems in the country. I think it is a point of generational pride. You can see that by test scores, which are consistently at the top of those lists that we want to be at the top of those lists on. And that's despite the fact that we're at the bottom of some of those lists that we don't want to be at the bottom of when it comes to teacher pay or the level of state funding for our school system. So I do want to acknowledge how this piece fits into a much larger puzzle in regards to the historic commitment to improve and increase state support for special education and public education in general. And one piece that I, I really am trying to sort through is, is just kind of the, the fundamental component of, of what the fiscal impact might be and not only in the short term, but in the longer term, which is, is something

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that I want to look very, very carefully at. The other point that I want to note is I think it's been said and it deserves repeating, Senator Linehan and her supporters have worked tirelessly on this measure in good faith and with good intentions to try and provide additional opportunities for students to succeed in Nebraska and looking carefully at program design that meets their understanding of the current legal framework. And I, I know that she has really dug deep into a variety of different cases to, to try and ensure that it, it meets muster. So a couple of pieces that I'm skeptical about that I, I want to listen and think more about would really just be we've heard a lot on General File and on Select File about Nebraska has a host or a laundry list of different tax credits. That's absolutely true, there is absolutely no question about that to achieve different policy goals or policy gains through our revenue system. There's no question about that. However, one key component that's missing from that line of debate that I wanted to just tease out that I see to be distinguishable in context to this measure is that those other tax credits are permissible because they don't run afoul of a no aid provision in our state Constitution. That's the hiccup. That's the part that I, I really do look at sincerely and diligently to figure out whether or not this program design could pass constitutional muster with the no aid provision like we have in Nebraska. And I know Senator Linehan has looked at other states' program design and existing case law from our sister states and from the Supreme Court. One thing that I'm really trying to drill down on and get a better understanding and would appreciate anybody addressing on the mike or off the mike, happy to continue the conversations, but how the program design in the amendment--

ARCH: One minute.

CONRAD: --thank you, Mr. President-- may return some of the funds in the initial appropriation back to the General Fund if underutilized. And, to me, that seems to be a pretty clear appropriation. It has a lot of the, the same moving parts, and I, I don't think anybody would deny that we can't do a direct appropriation to private schools. And so what we can't do directly, we can't do indirectly. And I, I just want to make sure from a program design perspective, if people have other ideas or insights to add in regards to the, the no aid provision that would be appreciated for the record and, and understanding of the measure. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I still rise against LB753 and in favor of the bracket motion. I think Senator Conrad hits the nail on the head with regards to some of the concerns that not just we have raised but that we've heard from, I think, the larger legal community. I know there was a lot of talk and, and ripples that we heard when there was this Law Review article that was released prior to the initial debate on LB753 on General File. And the nature of that article is sort of diving into whether or not LB753 does in fact run afoul of our state Constitution prohibition on the appropriation of General Funds to a private school. I think we've talked about it a little bit already and what's interesting about that is it's not as cut and dry as it sounds. I know that there's been some discussion both even earlier this evening and before about the cases that have been decided in other states and in Nebraska. But one of the things that we talked about previously that I want to highlight again for anybody who's paying attention now that maybe wasn't before or wasn't listening to the General File debate is that the vast majority of Supreme Court cases in both state and federal that are being quoted with regards to the legitimacy of laws such as this are not actually analyzing either this particular kind of tax credit, nor-- or maybe they're not making the decision under the same kind of analysis. And what do I mean by that? So the U.S. Supreme Court case that's often quoted is the, I think, 2011 Arizona case, and we talked about that. And that's the case that often gets quoted as saying that these are not public funds. And the decision in that case was not actually-- the, the court's holding was not that this particular kind of scheme was constitutional. The holding in that case was that a regular old taxpayer did not have standing to bring a suit, I believe, regarding the tax credit scheme that had been established in the state of Arizona. And so the ultimate analysis that was reached is one of standing, which is whether or not an individual can even bring a case in the first place, not about whether or not the actual program in and of itself was valid, because what the Supreme Court often does is they analyze it one step at a time. And if they reach a decision point where they say we don't have to make the rest of this decision, they will not address the remaining of those issues, generally speaking. And so that case, in my opinion, and I've talked to others who are experts in that field, do not believe that that is dispositive as to whether or not these are actually General Funds. In addition to that, even much more recently, the Kentucky Supreme Court analyzed a structure of a program that is very similar to what we have here in Nebraska and they ultimately found that it was unconstitutional. And the decision essentially is one that hinges upon a very similar concern as to whether or not we are talking about state funds. And

without getting into the entire diatribe about what exactly they said, I'm happy to find that Opinion and send it to other people, the courts essentially found that because this is foregone revenue that but for this scheme would be in the General Fund, that it essentially was trying to circumvent the gathering of General Funds and, therefore, these were General Funds and public monies. And so to find this workaround to say that these aren't monies of the state that are being used for this, the court essentially said that's just, that doesn't matter; we do believe that these are a use of General Funds. And so I want to say that that's just, it's not cut and dried. The courts have not spoken and, and the concerns that I've raised and others have raised along with folks who are experts in this and wrote that Law Review article are not without merit. And I think that when we're considering creating a program like this it's important to make sure that we analyze whether or not we believe it would be found constitutional. And so I do want to highlight that. It's possible as the evening goes on a little bit we might get into more--

ARCH: One minute.

DUNGAN: --thank you, Mr. President-- we might get into more details about that. One other concern that I have that I, I kind of want to start getting into, and I apologize if I'm bouncing around, but we hear a lot that this money is going to go towards switchers, right, switchers being people who are going from public schools to private schools. But the number one tier so that the first priority of receipt for these funds are people who received these funds previously. So my concern is that as this pot of money grows because it's being used, ultimately that money is going to go more and more to individuals who are in the private schools who'd already received this, ultimately capping out at \$100 million that's going to folks who are already receiving this fund, effectively not going to any switchers whatsoever moving forward. So that's just a concern I have. We can continue talking about that. I'm sure we'll talk more about the legal issues a little bit later. Thank you, Mr. President.

ARCH: Senators, we will now stand at ease until 6 p.m. for dinner. When we return, we will resume the queue with Senators Raybould, DeBoer, Linehan, followed by others. We stand at ease.

[EASE]

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KELLY: Senator Raybould, you are recognized to resume debate on LB5--LB753 and the bracket motion.

RAYBOULD: Thank you, Mr. President. You know, I have a, a number of questions. I was hoping Senator Linehan would have a chance to answer some of them.

KELLY: Senator Linehan, would you yield to some questions?

LINEHAN: Certainly.

RAYBOULD: Wonderful. You know, one of the things that Senator Hughes and I talked about, are, are benchmarks. And I know that in her amendment that is with Senator DeKay as well, they talked a lot about demographic statistics that, that would be gathered. But I am-- and I know you referenced Florida and the improvements in Florida, but can you tell me what are some of the performance measurements that we are going to be tracking, because I didn't see any in the, in the bill, as listed.

LINEHAN: Well, first off, thank you very much for the question. I think the most important thing we will track is to see if the program works, if parents are finding situations that help their children. I mean, big picture, if you have a child that's I don't care what grade, kindergarten through 12th grade, and they're happy where they're at, you're not-- you're a parent, you move a happy child? You'd almost do anything but move a happy child. Right? So I think if parents choose this option and they don't stick with it, then we've got a problem. I think parents will be the measure of that. Also, the Department of Ed, they actually audit private schools. I didn't know this till last week, but there was a text sent out and it was from-- it wasn't a kind text. And then, we chase it back. So that the Department of Ed, they have to take tests and the Department of Ed audits them. So it's not like a secret.

RAYBOULD: OK. And, you know, I was, I was really trying to focus on the kids that are transferring from public schools, because you had a great handout on some of the comparisons in Florida. And it seems like they were able to track improvements in those kids that transferred, through their programs. And that's-- Senator Hughes had mentioned, well, you know, that they can add other collection data to the amendments, that I hope we talk about later on.

LINEHAN: I have a-- I would have to go back and talk to a lot of people to make those kinds of changes. But they-- and I can get you--

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I don't have it right here tonight, but I can get it for you, some of the people that are helping with this, of what information is already available. I know that I've seen scores. And they've been in the papers, the World-Herald, the Lincoln Journal Star, have had papers from all-- a lot of the private schools, so those scores are available.

RAYBOULD: OK. And you know, another thing that Senator Hughes and Senator DeKay talked about is like capping it at a certain amount, so it doesn't escalate. Like, in one of the examples that Senator Hughes talked about, \$100 million a year, to make sure, like you said, the program is working--

LINEHAN: Right.

RAYBOULD: --and kids are happier and learning.

LINEHAN: I think we capped it at \$100 million and after-- it can't grow more than \$100 million. That was in the amendment that we filed or the, the last amendment, on General File.

RAYBOULD: So that-- there, there will be a cap.

LINEHAN: Yes.

RAYBOULD: OK. And then, you know, I, I had flagged-- and in an amendment that's different than Senator DeKay's and Hughes's, talking about, you know, why are you allowing them to roll over that tax credit for five years? What was the reason behind that?

LINEHAN: This is somewhat of an educated guess. I'm not perfectly sure. But I think on all tax credits, from my memory of working on Revenue bills, that's the way credits work. That's just a standard practice on tax credits, that they get to carry them for-- forward five years. But I can--

KELLY: One minute.

LINEHAN: --double-check on that.

RAYBOULD: OK.

LINEHAN: But I think that's standard.

RAYBOULD: Thank--

LINEHAN: From all the tax credits we've worked on, that's standard.

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RAYBOULD: OK. Thank you. I know in my, my amendment, I said just two years, because they are pretty substantial. If, if I'm a corporation and I donate \$100,000 and say, my corporation has a \$200,000 tax liability, I can whack it down dollar for dollar for my \$100,000 contribution, down to \$100,000 as my tax liability.

LINEHAN: With the exception, if you-- you would have to owe \$200,000 to be able to use \$100,000. It's capped at 50 percent of what you owe. So if you, if you owed \$100,000, you could only donate-- you could only-- you could donate \$100,000, but you could only use a tax credit for \$50,000. You can only use it for half of your tax liability. It-- everybody's capped at that.

RAYBOULD: OK. I think-- I thought it said dollar for dollar. But I'll, I'll--

KELLY: That's time, Senator.

RAYBOULD: Thank you, Mr. President.

KELLY: Thank you, Senators Raybould and Linehan. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. A couple of things I wanted to note. One is that the fiscal note does indicate that there would be some loss of TEEOSA aid, because of the loss of students. That makes sense. It's logical. Fewer students would mean that there was less TEEOSA aid for schools. And in some circumstances, that loss of students would offset with a loss of or, you know, a lesser cost for the schools. But in some cases that wouldn't happen. If you were only grabbing one student here or one student there, you obviously wouldn't reduce the amount of costs that you had. So in some cases, the schools will have the same costs with less aid. So that's a thing to throw out there and that's what you can see from the fiscal note. I am opposed to this bill. I have always been opposed to this bill, because it's a fundamental principle of mine to not give 100 percent tax credits to a charitable organization of any type or another, putting it ahead of all other charitable organizations. And that's, that's sort of a thing that I just don't think we ought to be doing, because there are many, many, many good charitable organizations that anyone could be giving to. And I'm not saying that this one isn't good. I think this one is good. And I think people should give to this charitable organization. I just don't think that this one should jump the line ahead to get 100 percent tax credits when there are things like food banks and juvenile cancer research and all manner of other charitable organizations that

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could also benefit from having a 100 percent tax credit. And I think we, as a society, have said, OK, we can't actually afford to give everyone a 100 percent tax credit, because then everybody would do that for their charitable organization that they liked. And who would build the roads and bridges? So we cannot allow folks to direct all of their money. Therefore, we cannot let all charitable organizations get this 100 percent tax credit. And if we can't let all of them get 100 percent tax credit, we ought to do something else. We've decided that what that something else is, is making them deductible. So you get a portion of the money that you spent on charity, sort of offset, so that you don't pay taxes for that amount. And that works. And that has been in place-- well, actually, I have absolutely no idea how long that's been in place, but as long as I've been aware of things, that's been in place. So that tax deduction for charitable giving is an appropriate way to do things and an appropriate way to encourage folks to give to worthy charitable organizations, like scholarship-granting organizations, which I think are worthy charitable organizations. I just don't think they should get a 100 percent tax credit when other charitable organizations do not. It's kind of that simple for me. So that's what I have to say about that. Thank you, Mr. President.

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

LINEHAN: Thank you, Mr. President. I want to go back to where we were before we broke for dinner and there was a lot of questions about the constitutionality. So there are many, many court cases. One, I'm just going to read from here. On June 30, 2020, the U.S. Supreme Court ruled, in *Espinoza v. Montana Department of Revenue*, that the Federal Constitution forbids states from excluding religious families and schools from educational choice programs, through which government empowers families to choose private educational options for the children. The U.S. Constitution, wrote Chief Justice Roberts, for a majority of the court, condemns discrimination against religious schools and the families whose children attend them. They are members of the community, too, and their exclusion from Montana's scholarship program here is odious to our Constitution and cannot stand. The Supreme Court's holding was clear and unambiguous and it applies to every state. While a state need not subsidize private education, once a state decides to, it cannot disqualify private schools. So that was one. Then there was another decision last year. There have been like, three Supreme Court decisions. The reason this one definitely is constitutional is because and I'm not-- I don't mean to be nitpicky, but I think I heard somebody say it's an appropriation. It's not an appropriation. It is a tax credit. The courts have held again and

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again, it's not state money, not money that we appropriate if we never collect the money. Then, if we want to go further, on the part of and actually, Senator Raybould read the First Amendment of our Constitution yesterday. And if you read that, you'll see that when we wrote the Constitution originally, they actually-- it actually states that we should provide and support education, religious education schools of. Then and I think most of you will remember this from General File, in the 1900s, there was a senator from Maine who was named Blaine. And he didn't like the Irish and he ran all over the country having states pass Blaine amendments. Because, early in the 1900s, most of the church-- most of the schools, while they might be public, they were very Protestant. And when the Catholics came, when the Irish came, they started their own schools, because they weren't Protestants. And Blaine wanted to make sure that those schools didn't get the money that were going to the Protestant schools. It is a very ugly history and we still have it in our Constitution. And the Supreme Court has said, those amendments that are over 100 years old that none of us would defend today, are unconstitutional. Now, we'll go to the-- and I don't think I have it here, but whatever the law school students, let's remember they are students, did a Law Review article that questioned the constitutionality of this program. However, a professor, which I think is well known, if not well loved, I think he's well respected, Richard F. Duncan, wrote a paper, date on this, 2020, Why School Choice is Necessary for Religious Liberty and Freedom of Belief--

KELLY: One minute.

LINEHAN: --University of Nebraska Law School. So I think if we're going to judge a professor who is highly regarded, who is teaching at the law school, I will take his thoughts more seriously than a Law Review article. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. I rise indifferent to all of this. I'm just wondering if anybody would want more time to speak. I'd be happy to yield them time. I'm just taking time. So if somebody wants time-- if Senator Linehan wants time, I'm happy to yield her time or else I'll just go back to reading these articles because we had those delightful visitors today. So would anybody like time? I'm looking around. No. OK. All right. Protests Fail to Mar Funeral. This is from April 2, 2006, Tribune-Review, Greensburg, Pennsylvania. The Reverend James McCaulley

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said the outpouring of love and patriotism from those who attended his son's funeral Saturday, in Indiana County, far outshone the protests of seven people from Kansas. We drove down an avenue of flags, McCaulley said, of the funeral procession for his son, Pennsylvania National Guard Sergeant 1st Class Randy McCaulley. It was awesome. As for seven protesters from Westboro Baptist Church in Kansas who traveled the country protesting funerals of soldiers and others as a way to spread their anti-gay message, McCaulley said he told his family and friends to ignore them. We could hardly see them. There were so few, McCaulley said, in the light of the support for Randy. They have-- they had to be embarrassed. Randy McCaulley, 44, of Marion Center, a member of the National Guard's Company A, 110th Infantry, based in Indiana, died March 23, in Iraq. He was shot while on combat patrol with his unit. McCaulley, a father of two sons, worked as a mechanic for several garages in Indiana. He served in the U.S. Army from 1979-1983, and joined the Pennsylvania National Guard a year later. When his father-- while his father is pastor of Bible Baptist Church in Indiana, the funeral was held at the Fundamental Baptist Church, just outside of borough-- the borough, because of the space needed to accommodate all of the mourners. James McCaulley said the protesters from Westboro Baptist Church had no affiliation with his church. They call themselves Baptists. We're not related, James McCaulley said. They're not of the same body that I am. The Westboro protesters chose McCaulley's funeral to picket because of a law proposed in the Pennsylvania Legislature that would ban such protests at funerals. We like to picket them all, but we can't, said Shirley Phelps-Roper of Westboro Baptist Church. Right now, we're focused a little bit on Pennsylvania, because the Pennsylvania "Taliban" has something to hide and they're trying to deplete the First Amendment and dismantle it. Church members protest funerals because they believe God is taking vengeance against, against Americans for the country's acceptance of homosexuals. They were here today to show their support of LB574. Let's see here. Sarasota Herald-Tribune, Florida, January 21, 2006. The Sunday funeral service for a Sarasota soldier killed in Iraq could be turned into a spectacle of screaming protesters from an anti-gay group and the roaring Harley-Davidsons of a nationwide veterans organization. For the second time in a month, members of the Westboro Baptist Church, a Kansas-based group which claims the United States is being punished by God for being friendly to homosexuals, planned to protest the southwest--

KELLY: One minute.

M. CAVANAUGH: --Florida-- the group, whose website says the country should, should outlaw sodomy and impose the death penalty for

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offenders, protested a newly formed Gay Straight Alliance at Port Charlotte High School last month. This time, Westboro is taking aim at the funeral of Army helicopter pilot Kyle Jackson, 28, who was killed January 13 when his helicopter was shot down by insurgents near Mosul, Iraq. Westboro claims to have held more than 22,000 anti-gay demonstrations since 1991. But in the past year, it has tried to connect its anti-gay rhetoric to the deaths of U.S. soldiers in Iraq, holding press-- protests at more than 20 soldier funerals across the country. I'm probably about out of time, so I will yield the remainder. Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator John Cavanaugh, you are recognized to speak and this is your third time on the motion.

J. CAVANAUGH: Thank you, Mr. President. So again, I rise in support of the bracket motion, opposed to LB753. And I did take a little time to read AM1253, which I think is an amendment that some folks have talked about early on here. And I had the opportunity to read through it. And there's some specification about how funds will be allocated, if unspent by a scholarship granting organization, SGO. And it looks like it rolls over to the next year, but then has to be all spent that year and if not spent, then can be distributed to other SGOs. And then, they have to account for that allocation in their annual accounting. Let's see, each scholarship granting organization shall annually submit to the department no later than December 1 of each year, an audit-- audited fiscal information report for its most recent fiscal year certified by an independent public accountant. So I think that the organizations who receive that overflow money goes to-- has to account for that in their audit. And then, the part-- but the thing I guess I wanted to talk about is-- it's on page 3 of the amendment. And then it says by June 30, 2027, and by June 30 of each odd-numbered year thereafter, the department shall electronically submit to the chairperson of the Appropriations Committee and-- of the Legislature, the chairperson of the Education Committee of the Legislature and the chairperson of the Revenue Committee of the Legislature. The report shall include, but not be limited to, the following: a review of the progress of the Opportunity Scholarship Act; the number of students currently waitlisted or denied from receiving an educational scholarship and the reason for the waitlist or denial. And so that was kind of-- part that jumped out at me was the-- we're trying to account for a number of-- basically demand, is what it looks like, demand for scholarships, how many kids are out there wanting a scholarship and why they didn't get it. And I guess, I don't know. My reading of that would be that maybe somebody could be waitlisted because there's not enough money from that SGO or maybe there's not enough money in SGOs,

overall. And they could be denied because they don't meet one of the qualification criteria. But I wondered if there was a-- be a, a willingness or a opportunity to add another criteria there, which is number of kids who received a scholarship but a school refused to take them. And that's-- be-- I think that would be an interesting data point, but I would be interested in it because, obviously, one of the reasons I'm opposed to LB753 is because it's about directing public money. And there's a lot of semantical arguments about whether it counts as an appropriation or in the legal sense, although there is an A bill that will follow this. And so, that's an interesting conversation about I don't know what they-- what do they call that, QED, you know, which means, unless it is demonstrated for some reason. But it seems like there's an A bill, which, to me, implies that this is-- there's an appropriation as part of this. But ultimately, my issue is not the semantical one, which is whether this is forgone revenue or if it's-- if it is money that never touches the coffers and therefore is pure of this-- from the state perspective and is not appropriation, but it is ultimately a structure. We're creating this whole structure. If there was no government involvement in this, we wouldn't be here. We wouldn't be talking about this tax credit. We wouldn't be doing all these things. And so, fundamentally, my problem is that this is government funds in some way, either forgone, diverted, appropriated, being used for fund-- funding schools that can refuse to take these kids, for whatever reason. So I don't know. I mean--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President. So, I mean, I-- like I said, I appreciate this attempt, this expansion and, and oversight. I think it is much needed if we are going to undertake a program like this. But I think if we go down that path, let's talk about it. Let's talk about what other things we might like to see in there. I mean, I've suggested previously I'd like to see, you know, some kind of metrics on success. But I, I understand that's not getting in there. So one of the things I would like to see is which kids are being den-- number of kids being denied by the school itself. They get a scholarship; school won't take them and maybe what the reason is for that denial, things along those lines. So, you know, I'll keep thinking on it. It's my last time talking on this. I'm sure I'll have another opportunity to talk on something else later. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Dungan, you're recognized to speak. This is your third time on the bracket.

DUNGAN: Thank you, Mr. President. I rise again in opposition to LB753. And I think we're having some interesting conversations as they pertain to the, to the legal arguments. And I do think that at a certain point, the semantics become a little bit, I don't know, complicated or a little bit overly, overly ridiculous. But I do think that when we start using legal terms like appropriation, it is important to make sure that we're, we're talking about it correctly. And so when we generally think of an appropriation, I know a lot of people at home, you know, think of an appropriation is money that's spent on something, like coming directly out of the General Fund coffer. But the Supreme Court-- Nebraska Supreme Court, has defined for us what an appropriation is. And it's just a little bit broader, I think, than it's sometimes thought of. Specifically, an appropriation is defined as what says, quote, to appropriate means to set apart or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose or in a particular case. And so, I think part of the argument that's been made by others, with regards to whether or not this is an appropriation, stems from the notion that this \$25 million to start with and ultimately, potentially more, is a particular amount of money that is in the budget, that has its own line item, that is set aside. To appropriate means to set apart or assigned to a particular person or use in exclusion of others. Based on my reading of the budget that we've seen thus far and what we've talked about with this, I don't believe and I genuinely might be wrong about this, but I don't believe that the \$25 million that is being set aside specifically for the purpose of the scholarship tax credit is money that could potentially be used for anything else. And what I mean by that is it's not as though we have this budget we've established where \$25 million is maybe going to go to the scholarship tax credit. But instead, we decided to spend it that year on something else. And so, therefore, oops, now we can't use it for the, the tax credits that we've, we've specifically said it was for. And so the fact that that \$25 million or whatever that amount is, is specifically set aside for that purpose and could not be used for an additional or other appropriation is what I think makes it fall under that definition of appropriation. So although it doesn't necessarily fall into the specific category of money that we're seeing coming out of our direct pocket, that's how I think the appropriation term applies. And so, I just wanted to touch on that real quick, because I think that we, we do need to get into the nitty-gritty of some of that terminology when we're talking about it. But I also would agree with Senator Cavanaugh that there are just some larger concerns. And those are larger concerns that have already been touched upon. And he talked about the fact that some people may not feel welcome at some of these

schools. And in fact, he talked, talked about the fact that some people may be denied entry. And I think that ties in directly with one of the conversations we have a lot that-- with regards to LB753, and that's this notion of bullying. This-- the bill specifically contemplates somebody who is being bullied or is experiencing bullying as somebody who can be considered as a, a recipient of these funds. And that's a thing that we look at. I guess I, I have trouble believing that the bullying that exists in a public school setting simply doesn't exist in a private school setting. And that's not to say it's necessarily worse or better, but we live in a society where the pervasive, you know, bigotries that exist and the, the systemic racism that exists and the, the systemic sexism that exists and the transphobia that exists and all those things, they don't just exist inside the walls of a public school. And so the idea that somebody is going to be bullied at a public school and then leave and go to a private school, where now, they're going to be safe and free from that bullying, I just don't understand the through line.

KELLY: One minute.

DUNGAN: Thank you, Mr. President. And this isn't hypothetical to me. I mean, I will admit that I was bullied in, you know, middle school, high school. It's a thing that a lot of people experience. And mine was light, compared to a lot of other individuals. I mean, I'm a cisgender, heterosexual white guy. Right? The bullying that I experienced is probably nowhere near the bullying that a number of other people experience. But when you start to talk about individuals who have experienced bullying because of maybe how they want to dress or how their hair looks or the clothes they wear, whatever that may be, I just want to be very hesitant in making the assumption that that's going to go away if they leave that public school. We should be doing things to fix a lot of our overarching issues as it pertains to bullying. We should be providing early mental healthcare for juveniles and youth to make sure they can deal with some of the issues that lead to them being bullies and being bullied and the PTSD that can come out of that, depending on what you're dealing with. But I don't think the solution is necessarily what we're talking about here, if what we're trying to address is bullying in the public schools. And so I just wanted to make that point. And I'll probably get back on the mike if we have a chance to talk on something else and, and move on to a couple of other issues. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Raybould, you're recognized to speak. This is your third time on the bracket motion.

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RAYBOULD: Yes. Thank you, Mr. President. You know, I do want to point out that what I said was, was correct. So if you make that \$100,000 contribution, you can take that full dollar-for-dollar donation, but it will only cover, say if my tax liability is \$200,000, it will reduce my tax liability by \$100,000 for-- it's a dollar for dollar. And it says it here: Fifty percent of the income tax liability of such taxpayer for the tax year. So I'm a stickler on that. And I'd like to see it not be rolled over for every five years you can take the tax credit. I'd like to see this bill capped. Of course, I'd like to put in my kicker, no increase in the annual limit shall occur unless all public education funding obligation of, of the state is fully funded and disbursed. The other concern I had was on double dipping for the special education students. You know that special education student will be attending that nonpublic private school, but actually they are being provided the educational services through the public school. But however, in this programming, that individual special education student would-- attending the private school would, would get that full credit. And I, and I appreciate us working on this. But another example is if you make that \$100,000 donation to the Public School Foundation, however, it will only allow you to take an income tax deduction, which would come out to about \$6,640. So there's a huge difference in this. And because of that, I think there should be special annual reporting and, of course, performance measurements, as we talked about. My last item of business, I would actually like to call the question.

KELLY: Senator Machaela Cavanaugh, you're recognized to speak. And it's your third time on the motion, Senator.

M. CAVANAUGH: Thank you, Mr. President. How much time do I have left?

KELLY: 4:53.

M. CAVANAUGH: Thank you. I was just looking over staff work product. Carol, this is not my official copy. It is just the copy that I have brought to browse, of the index-- the subject index. I still expect a signed copy of the subject index. But colleagues, the Nebraska Legislature subject index to bills and constitutional amendment resolutions introduced is available in the Clerk's Office. It is some scintillating reading. I actually grabbed this one for you, Senator Fredrickson, so that you could have your own copy. I think if you're real nice and you ask real nice, Carol, up front, will sign it for you. And trust me, you want her signature. She has a nice signature. So I'm going to stop embarrassing Carol now, talking about the index, but I am a fan of it. I was going to ask if anybody-- Senator Dungan

wanted time, but looks like he's ensconced in a conversation. So I will go back to-- oh, you want time? I will yield my time to Senator George Dungan.

KELLY: Senator Dungan, that's 3:35.

DUNGAN: Thank you, Senator Cavanaugh. I appreciate you using my first name so I'm not confused with the other Senator Dungan in here, obviously. So that's, that's good to-- make sure we clarify. No, I, I appreciate that. And I was just having a conversation off the mike here with Senator DeKay about some of the intentionality behind this. And I want to be very clear. I, I said this when I first started talking and I'll say it again. I absolutely think that the intentions behind LB753, at least amongst the folks that I've talked to in here and the people who have put forward this bill, is good. I think people in here want to, want to try to help kids and they want to try to create the best situation possible. But as I said, I, I would agree with, with Senator John Cavanaugh and others who have expressed concern about the government getting involved and utilizing our potential funds in such a way that could potentially, according to the fiscal note, as Senator Brandt pointed out, that be detrimental to the fund when it comes to public schools. And I want to make sure that we do everything we can to support our public schools. I was just describing to him-- and this isn't a secret, I spent a little bit of time down in Kansas. That's where I went to undergrad. And then I spent some time in D.C. for law school. And both of those experiences had really influential impacts on me when it comes to my, my belief about public education. People were constantly impressed with the public education system that I talk about here in Nebraska. And when I was in Kansas, that was around the same time that the public schools just shut down. The public schools were closed. They didn't have enough revenue, which I don't believe we're in that situation yet, at this point. But they didn't have enough revenue to pay teachers. They didn't have enough revenue to fund books. And so schools were just not opening. And when they did open, they were open for three days a week at certain times, because they didn't have enough funding for, for the schools. And then when I was in D.C., I had the opportunity to actually go in and teach in some schools while I was in law school, through a program where we teach constitutional rights to kids. And what was fantastic about that program is I got to go-- I taught at a D.C. public school, but I was also a fellow for the program and got to go into the private schools we taught in, as well as the charter schools that we taught in. So I had the unique experience of getting to actually go into public, religious, private and charter schools and sort of judge what the difference was between those. And what we saw

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and what we, we ultimately determined, at least in my opinion and folks I talked to in that system, was that there had been such resources diverted from the public school system over a long period of time that they found themselves in a situation where they were almost too deep in a hole to dig themselves out.

KELLY: One minute.

DUNGAN: Thank you, Mr. President. And the fact that they found themselves in this hole that was almost too, too deep to get yourself back out of is multitudinous in why, why they got there. You know, I'm not going to go through the whole history of the D.C. public school system, but a lot of it does stem from when you start to deviate attention and care towards making the best public school system possible and you put your attention and care onto other things, like charter schools or private schools and trying to find ways to, to deviate dollars there, inevitably, your public schools are going to start to go down in quality, whether it's because of attention or funding. And those public schools are what's supposed to be available to everybody. And I just want to make sure that here, in Nebraska, we continue to have the strong public education system we do have. Whether you're in rural Nebraska or urban Nebraska, generally speaking, our public schools are well and above and beyond what you see in a lot of other states. And that's because we've focused so hard on keeping them well-funded and well-attended to. So thank you for the time, Senator Cavanaugh. And thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Seeing no one else in the queue, Senator Hunt, you are recognized to close on the bracket motion.

HUNT: Thank you, Mr. President. I'd encourage your green vote on the bracket motion. This bill is bad. And we shouldn't use public funds for private education at schools that can discriminate against kids. I'd like a call of the house and a roll call vote.

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

CLERK: 18 ayes, 5 nays, to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Armendariz, Vargas,

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Dover and McDonnell, please return to the Chamber and record your presence. The house is under call. All unexcused senators are present. The question is the motion to bracket. All those in favor vote aye; all those opposed vote nay. Request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard. Senator Blood. Senator Bosn. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas not voting. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne voting no. Senator Wishart. Vote is 3 ayes, 33 nays, Mr. President, on the motion to bracket.

KELLY: The motion fails. Raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to remove to reconsider the vote on motion 822.

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

M. CAVANAUGH: Thank you, Mr. President. So why not reconsider? Oh, thank you. Why not reconsider? An article, May 18, 2017, from the Pew Research Center, Enter Marriage in the U.S. 50 years after Loving v. Virginia. One in six newlyweds are married to someone of a different race or ethnicity. In 2015, 17 percent of all U.S. newlyweds had a spouse of a different race or ethnicity, marking more than a fivefold increase since 1967, when 3 percent of newlyweds were intermarried, according to the Pew Research Center analysis of U.S. Census Bureau data. In that year, the U.S. Supreme Court, in the Loving v. Virginia case, ruled that marriage across racial lines was legal throughout the country. Until this ruling, interracial marriages were forbidden in many states. Something that's had legal standing for 50 years. We now

know those things can go away, especially if we have people who aren't willing to stand up to hate and-- more broadly, one in ten married people, in 2015, not just those who recently married, have a spouse of a different race or ethnicity. This translates into 11 million people who were intermarried. The growth in intermarriage has coincided with shifting societal norms, as Americans have become more accepting of marriages involving spouses of different races and ethnicities, even within their own families. The most dramatic increases in intermarriage have occurred among black newlyweds. Since 1980, the share, the share who married someone of a different race or ethnicity has more than tripled, from 5 percent to 18 percent. White newlyweds, too, have experienced a rapid increase in intermarriage, with rates rising from 4 percent to 11 percent. However, despite this increase, they remain the least likely of all major racial and ethnic groups to marry someone of a different race or ethnicity. Asian and Hispanic newlyweds are by far the most likely to intermarry in the U.S., about 3 in 10 Asian newlyweds. Twenty-nine percent did so in 2015 and the share was 27 percent among recently married Hispanics. For these groups, intermarriage is even more prevalent among the U.S. born. Thirty-nine percent of U.S. born Hispanic newlyweds and almost half, 46 percent, of U.S. born Asian newlyweds have a spouse of a different race or ethnicity. Among blacks, intermarriage is twice as prevalent for male newlyweds as it is for their female counterparts. While about one-fourth of recently married black men, 24 percent, have a spouse of a different race or ethnicity, the share is 12 percent among recently married black women. There are dramatic gender differences among Asian newlyweds, as well, though they run in opposite directions. Asian women are far more likely to intermarry than their male counterparts. In 2015, just over one third, 36 percent, of newlywed Asian women had a spouse of a different race or ethnicity, compared with 21 percent of newlywed Asian men. In contrast, among white and Hispanic newlyweds, the shares who intermarry are similar for men and women. Some 12 percent have recently married white men and 10 percent of white women have a spouse of a different race or ethnicity. And among Hispanics, 26 percent of newly married men and 28 percent of women do. A more diverse population and shifting attitudes are contributing to these-- the rise of intermarriage. The rapid increase in intermarriage rates from recently married whites and blacks have played an important role in driving up the overall rate of intermarriage in the U.S. However, the growing share of the population that is Asian or Hispanic, combined with these groups' high rates of intermarriage is further boosting U.S. intermarriage overall. Among all newlyweds, the share who are Hispanic has risen by 9 percentage points since 18-- since 1980, and the share who are Asian has risen 4 points. Meanwhile, the

share of newlyweds who are white has dropped by 15 points. Attitudes about intermarriage are changing, as well. In just seven years, the share of adults saying that the growing number of people marrying someone of a different race is good for society has risen 15 points to 39 percent, according to a new Pew Research survey, conducted February 28-March 12, 2017. The decline in opposition to intermarriage in the longer term has been even more dramatic. A new Pew Research Center analysis of data from the General Social Survey has found in 1990, 63 percent of non-black adults surveyed said they would be very or somewhat opposed to a close relative marrying a black person. Today, the figure stands at 14 percent. Opposition to a close relative entering into an intermarriage with a spouse who is Hispanic or Asian has also declined markedly since 2000, when data regarding these groups first became available. The share of nonwhites saying they would oppose having a family member marry a white person has edged downward, as well. In 1980, the rate of intermarriage did not differ markedly by educational attainment among newlyweds. Since that time, however, the modest intermarriage gap has emerged, emerged. In 2015, 14 percent of newlyweds with a high school diploma or less were married to someone of a different race or ethnicity, compared with 18 percent of those with some college and 19 percent of those with bachelor's degree or more. The educational gap, gap is most striking among Hispanics, while most-- almost half, 46 percent, of Hispanic newlyweds with a bachelor's degree were intermarried in 2015. This sharp drop-- this share drops to 16 percent for those with a high school diploma or less, a pattern driven partially, but not entirely, by the high share of immigrants among the less educated. Intermarriage is also slightly more common among black newlyweds with a bachelor's degree, 21 percent, than some-- than those with some college, 17 percent, or a high school diploma or less, 15 percent. Among recently married Asians, however, the pattern is different. Intermarriage is far more common among those with some college, 39 percent, than those with either more education, 29 percent, or less education, 26 percent. Among white newlyweds, intermarriage rates are similar, regardless of educational attainment. Other key findings: The most common racial or ethnic pairing among newlywed intermarried couples is one Hispanic and one white spouse, 42 percent. The next most common are one white and one Asian spouse, 15 percent, and one white and one multiracial spouse, 12 percent. Newlyweds living in metropolitan areas are more likely to be intermarried than those in nonmetropolitan areas, 18 percent versus 11 percent. This pattern is driven entirely by whites, Hispanics and Asians. Are more like-- Hispanics and Asians are more likely to intermarry if they live in nonmetro areas. The rates do not vary by place of residence for blacks. Among black newlyweds, the

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gender gap in intermarriage increases with education. For those with a high school diploma or less, 17 percent of men versus 10 percent of women are intermarried, while those-- while among those with a bachelor's degree, black men are more than twice as likely as black women to intermarry, 30 percent versus 13 percent. Among newlyweds, intermarriage is most common for those in their thirties, 18 percent. Even so, 13 percent of newlyweds--

KELLY: One minute.

M. CAVANAUGH: --ages 50 and older are married to someone of a different race or ethnicity. There is a sharp partisan divide in attitudes about interracial marriage. Roughly half, 49 percent, of Democrats and Independents who lean to the Democratic Party say the growing number of people of races marrying each other is good for society. Only 28 percent of Republicans share that view. I'm probably about out of time, so thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Hansen has some guests under the south balcony, Alex Wallace and his son, Lawrence. Please stand and be recognized by the Nebraska Legislature. Senator Slama, you're recognized to speak. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. If anybody wants to get in the queue and you yield me time, I would certainly take it, as well. I think we have an hour left on this bill, so-- but we'll have this vote. And then I think we have another motion and then another motion to reconsider, so that's fine, if nobody wants to yield time. OK. So, so for 50 years-- well, it's been more than 50 years now, because this article is old. It's from 2017. Since 2000 or since 2000-- since 1967-- the date is from 1967. Intermarriage in the U.S., 50 years After Loving v. Virginia. Everything for me is about LB574, so I'm going to keep talking about LB574. And at the start of this bill, when I talked about interracial marriage, I was talking about the, the possibility of those even existing, is because people stood up against hate. People stood up and fought against hate. That's how that happened. And so many people in this body's lives are directly impacted by that. And you shouldn't have to be directly impacted by something to be able to understand it as a legislator. You shouldn't have to be directly impacted by Loving v. Virginia in 1967 to understand the significance of what LB574 does and how harmful it is to a minority population, based on fear, fear of the other. But, colleagues, many of you have benefited from that. You have benefited. Your life has benefited from people standing up and fighting against

hatred, fighting against demoralizing and dehumanizing something that is considered other. Yeah, I am a white, privileged lady. I've never denied that. And there are a lot of things that are problematic about me because of that, but calling out the fact that people stood up against hate to make sure that Loving v. Virginia became a reality is not that thing. It's just not. But yeah, I'm problematic. I'm a white, privileged lady. And I have to learn, I have to learn how to do better every day. I have to learn how to do better every minute. I have to try really hard to not be problematic and I'm still problematic. And I recognize that.

KELLY: One minute.

M. CAVANAUGH: But calling out the fact that people in this body have directly, directly been impacted in a positive way by Loving v. Virginia becoming a reality is not what makes me problematic. That's not it. So I'm still going to stand up against hate. I'm still going to stand up for those people that won't stand up for themselves in this body. Others stood up for you so that your lives could exist the way that they do and you're not willing to do the same for these kids. But I'm still going to stand up. When you need it, when somebody is trying to legislate away your identity, I'm still going to stand up for you.

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

HUNT: Thank you, Mr. President. She just said it. Other people stood up for you so that you could live your life the way that you want, in a way that was controversial at one point. This is just another one of those moments in the history of our country. And I think, you know, I'm sure that all of us sleep fine at night with where we stand on this stuff. But, you know, a lot of you are really, are really making a mistake. I do think that we should reconsider the motion to bracket. We need to bracket this bill, because it gives public funds to private organizations that are allowed to discriminate against people like Senator Fredrickson's family, like my family. It could be any of your families. And it's an improper use of public funds. And for trans kids in Nebraska, it can be hard to stay positive in the face of so much discrimination and prejudice, but you have to be encouraged to keep moving forward. There are so many people out there who love and support you, even if it doesn't feel like it in this state. You're part of a community of people who have faced similar struggles and who have found strength and resilience in the face of adversity, through each other, through community, not through the law. The law and the

system and the institution and the state and the government can't love you, can't care about you, but it also can't control you. Your identity is valid and real, no matter what anyone says. And you have the right to be true to yourself and express yourself in the way that feels most authentic to you. And there's no law that this Legislature can pass that will change that. Try as they might, who you are inside is who you are. So don't let anyone else tell you who you are or what you should be. You are the only one who knows your truth and it's up to you to own it. It can be scary, I, I can only imagine, to come out and live openly as a trans person, especially if you're afraid of rejection, afraid of being kicked out of your home, afraid of being targeted by your state Legislature, afraid of violence in your community. This still happens in Nebraska. One of the most famous cases of violence against trans people in our country happened here in Nebraska to Brandon Teena. And just a few months ago, another brutal beating, a near murder, took place in Omaha of a trans drag queen, who is still in intensive care. And it's because of the hatred normalized by this body that this violence is encouraged to continue on the streets. So you have to prioritize your safety and seek out supportive allies who can help you navigate the challenges you may face. And frankly, for a lot of these families, it might mean seeking out a more supportive state. Senator Kathleen Kauth, who introduced this bigoted bill that's legalizing discrimination against kids, normalizing discrimination and hatred against our LGBTQ family, friends, brothers and sisters and neighbors of all ages, she stood up and said, well, if you're, if you're LGBTQ, if you're trans, if you're a trans kid, maybe this isn't the state for you. Maybe people who hate trans people--

KELLY: One minute.

HUNT: --will come move here now. Maybe people who don't want to live in a place with legalized abortion can come move here now. Colleagues, you're-- we're going that way. It's already happening. And what I say to any trans person or gay person or woman or anybody who loves any of these people who are under attack, specifically by this Legislature, if you've got to go, you've got to go. My son just texted me and I'll, I'll talk about that on my next time on the mike. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to speak. This is your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. Apparently, there's some compromise amendment. I don't know who it's compromising with. I don't know. I've been asked if we can get to the amendment. I don't know, I

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don't know what time we go to cloture on this. I don't really care. I don't really care if we get to the amendment. I don't know what the amendment does, but what the heck. I'll just pull my motion to reconsider. You all have fun.

KELLY: Without, without objection, so ordered. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Senator Hunt, I have motion 822 to recommit, motion 820 to IPP, and motion 824 to recommit, and motion 825 to bracket, with an understanding you wish to withdraw those. In that case, Mr. President, next amendment. Senator John Cavanaugh would move to amend with AM739.

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

J. CAVANAUGH: Thank you, Mr. President. I guess I thought I was the second amendment up. I'm a little surprised. I'll pull that amendment at this point so we can get to the amendment that I thought we were getting to, and then I'll put that one back up. Thank you.

CLERK: Mr. President, next amendment, AM1233, from Senator Raybould.

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

RAYBOULD: Thank you, Mr. President. This amendment is, is pretty simple. It pertains to AM1233. And I don't know if people have it in front of them, but it specifically calls to the language on the second page. And it changes beginning January 1, 2028, to beginning January 1, 2024. Senator Hughes and Senator DeKay and Senator Linehan crafted a, a very good amendment. And they were very clear that they wanted the-- scholarship granting organization shall annually submit to the department no later than December 1 of each year an audited financial information report. And so I think-- I don't think it was an oversight, but they wanted to recognize that these SGOs would take some time to get established. And so-- but giving them five years lead time I don't think was their intention on this bill to do that. And reviewing with all the parties involved, Senator Linehan, Senator DeKay, and Senator Hughes, you know, they all agree that 2024 is probably not the right year. It probably makes more sense to be 2025, but they could, could accept 2024. So, for example, for a lot of the dioceses, the Catholic dioceses throughout the state of Nebraska, they already have a 501(c)(3) set up that they could easily modify. In fact, if we pass this bill in our third and final round, they could already start setting up that SGO, ready to launch, and file

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officially with the state of Nebraska or the Education Department to get it recognized. So it wouldn't be that much of a stretch to leave it at 2024. So I, I ask my colleagues, it's a very simple, simple modification, going from 2028 to 2024. That would be in sync with the annual reporting that was intended in the bill, in the AM1233. And that is all I have.

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

DUNGAN: Thank you, Mr. President. I rise still in opposition, I guess, generally, to LB753. And AM1233, I have not had much of a chance to review and I got a chance to hear some of Senator Raybould's explanation of that. Obviously today, there's been a lot of moving parts and a lot of conversation, so I apologize for missing some of that. Would Senator Raybould be willing to yield to some legitimate questions about what this does?

KELLY: Senator Raybould, would you yield to some questions?

RAYBOULD: Yes, I would be happy to. But I'm, I'm hoping that Senator DeKay, who is just walking out, or Senator Hughes, might be the more appropriate person to ask a question of. But you can fire away at me, since it looks like I'm the only one here.

DUNGAN: I guess the main question I have is-- so that the 20-- the changing the year 2028 to 2024, that's speeding up which provision of the underlying bill?

RAYBOULD: It is-- it's on page, page 2. What? What? Oh, it's my amendment. Oh, whoa. OK. Great. OK. I, I kind of want to backtrack. I thought we were dealing with AM1253. I apologize.

DUNGAN: No, that's OK. I was on AM1233. I guess I would yield you the remainder of my time to talk about your amendment, if you'd like that.

RAYBOULD: Thank you very much. It's late. I didn't think my amendment would be coming up so early either. Thank you, Senator Cavanaugh. OK. So I love this amendment, and I didn't think we would be able to talk about it. So basically, what this amendment does is restructure the priorities listed in LB753, because, you know, we've heard so many people speak tonight, talking about how important it is to allow those students of low income, modest means, to be able to have that opportunity to attend a private, private school, Catholic school, a nonpublic school. And so basically, I just wanted to really restructure those levels of eligibility. And I know, with Senator

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Linehan, I did mention that, you know, the language that she has in LB753 already includes previously received an educational scholarship. That's already listed in LB753. So I chose to strike it from this amendment, because it's already listed as the major component of LB753. So that's number one. I restructure it based on the actual income needs of those that would receive the most benefit of the program. The next thing that I do and I've-- you've heard me talk about this before, is that I don't-- I have reduced the amount of contributions from corporations, from individuals and from trusts considerably, so that the, the tax credits are not as significant, at, at least, initially. So that we can see, is this program really taking off, and is there ver-- is there merit and value to that? And the last thing I have is that in order for those annual increases that are projected to kick in, I have put that language in that, that, that the number stays flat at that \$25 million. And the only time it increases is if there is-- that unless all public education funding obligation of the state is fully funded and disbursed. And so, that was a pretty big thing. And the last thing, it was on page 10, just striking some of the language, so that it says at least 90 percent of its revenue for education scholarships and no more than the 10 percent of its revenue shall be reserved for administrative costs, which I think is still important to, to--

KELLY: One minute.

RAYBOULD: --thank you, Mr. President-- to, to leave that language in. And the other thing I inserted was that it shall be reviewed and approved by the Legislature. Any additional changes that are made to this, rather than leaving it up to the Education Committee, that all the-- any additional changes, particularly when it comes to funding going forward, must be approved by the Legislature. So that is-- that is the real amendment that's up before us tonight. And I'd be happy to, to answer any questions, if anyone has them. Thank you.

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

LINEHAN: Thank you, Mr. President. And I just-- I appreciate very much Senator Raybould's interest in this. I just kind of want to go through why I, I don't consider this a friendly amendment. So this program won't even start, there will be no students that will get scholarships until 2024-2025 school year. And then you have the 2025-2026 school year. So you can't start measuring a program before it gets a chance to start. And I will give you another example that I think we'll all be aware of. LB1107, which provides a income tax credit for property

tax paid, we know that when it started, it was only 60 percent and then it got to 70 percent and it's still going up. Whenever you change laws like this, it takes a little bit of time for people to adjust and understand what the law is. It's never-- it's very rare that this will, you know, take off and everybody will jump in and we'll be going off-- it will take some time to get it set up and going. I, I don't truly and I'm not trying to be smart aleck here. The-- I don't-- and I've struggled this-- with this since I've been here-- fully fund public education. I-- I've never understood a definition of that. I, I want to fully fund public schools. I think we've already got that headed in a direction. I did have a bill. I don't know. Somebody told me it was unconstitutional. I don't know if it's going to be in the education package-- where I said we couldn't move up and down the levers. I think that we shouldn't move up and down the levers, so I think that's already covered. And I do believe, if the program is as successful as I hope it is and it gets to \$35 million, overhead should drop to 5 percent. I don't-- and I know Senator Raybould and I just have a honest disagreement on this. I want the money to go to scholarships, not to overhead, not to fancy CEO salaries, not to salaries for benefits. I think people that are in this business, their hearts have to be in it. And yes, you need to pay people a living wage, but they don't-- they also, their hearts and souls have to be in this. So I think, I think 10 percent until you get to 35, and especially till you get the program up and running. But once they get to the \$35 million, that overhead cost can drop to 5 percent. So I'd appreciate, even though I do very much appreciate Senator Raybould's help and her thoughts on this and I know that she will be here for another seven years and she will watch over this program and make sure it works right, I, I don't want-- I don't think we need this amendment on the bill tonight. Thank you very much, Mr. President.

KELLY: Thank you, Senator Linehan. No one else in the queue. Senator Raybould, you're recognized to close on AM1233.

RAYBOULD: Thank you, Mr. President. I do want to just correct one thing. The language in the amendment says, unless all public education funding obligations of the state are fully funded and disbursed. And I know that when we talked about the transformative educational funding program, just to make sure that that obligation to the, the trust funding that they're setting up is, is fully funded, and any other additional fundings, particularly when it comes to special education. I know that that is one that the state has historically underfunded or not funded sufficiently to that, and which is another reason why our property taxes can be as high as they are. So I think I-- for that-- those reasons, I think it is a good complement. I know we talked about

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putting in severe caps and restrictions going forward. I think in the next amendment being introduced by Senator Linehan, that has been worked on by Senator DeKay and Hughes, is, is a very good amendment that adds some more parameters or guardrails on the funding. And I thank Senator Linehan for her comments.

KELLY: Thank you, Senator Raybould. Members, the question is the adoption of AM1233. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 7 ayes, 28 nays on adoption of the amendment.

KELLY: The amendment is not adopted. Mr. Clerk, for items.

CLERK: Mr. President, next amendment. Senator Linehan would move to offer AM1253.

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

LINEHAN: Thank you, Mr. President. And for this, I'm going to ask Senator Hughes and Senator DeKay, they're both here. This is their amendment that they worked on and I appreciate and it is a friendly amendment. Senator Hughes, could you?

KELLY: Senator Hughes, will you yield to some questions?

HUGHES: Yes, I will.

LINEHAN: Senator Hughes, could you quickly kind of explain what your part of the amendment is?

HUGHES: Yes. My piece of that amendment was that we wouldn't inadvertently create a tax shelter where tax credits could grow, without corresponding growth in scholarships given out for low-income kids, as they are intended to support. AM1253 requires that SGOs shall not carry forward more than 25 percent of its net revenue from one year to the next and that any amount carried forward has to be expended-- expended for educational scholarship. If these carry forward dollars are not expended for scholarships within an SGO, they can transfer to another SGO in need. And if no SGO can utilize these funds, then the money is returned to the General Fund of the state of Nebraska.

LINEHAN: Thank you, Senator Hughes.

HUGHES: You're welcome.

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LINEHAN: Senator DeKay, could you be kind enough to ans-- to explain your part of the amendment?

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

DeKAY: Yes, I will. My part of the amendment was-- my primary concern was to address this bill to make sure that we do have a reevaluation process going forward in three years, to make sure that there aren't-- to see what the benefits and what the detrimental effects would be to public and private schools and make sure the money is spent in the right way and make sure that through the reevaluation process, that students who are receiving this would be in compliance with the criteria that have set out to set out.

LINEHAN: Thank you, Senator DeKay. So I appreciate-- and actually Senator Jacobson was involved in this and many others, that I probably am forgetting to mention right now. But I do really appreciate the collaboration on this. I think it makes the bill better. And I feel good that we have the first-- freshman class of senators involved in this, because they will have ownership of this program going forward. And I think it's important that we have people here that are involved in this that can make sure it works and works well, going into the future. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Raybould would to move to amend with FA41.

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

RAYBOULD: Thank you, Mr. President. I think I discussed this topic before, by mistake, but it really works with AM1253, and Senator DeKay and Senator Hughes, their work on some of the changes they made to LB753. And it really just changes that date, beginning January 1, 2028, to January 1, 2024. For some of the reasons I already stated, that there are a number of nonprofit organizations out there, such as the dioceses in the state of Nebraska, that are already set up for 501(c)(3), that they would be the most likely organization to become a SGO. And they would be readily able to get that established this year, or most likely, in 2024, to, to be able to start their programming, going and getting it set up. And so I think it was an inadvertent mistake that they put in the date of 2028 for it to start, which would be five years from now, which they-- I understand the need for the SGOs to get up and running. But since some of these organizations have

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been operating funding-- scholarship funding of their own, for many, many, many years to help those students have access to scholarship funding, they're well accustomed to being able to get it set up quicker. And so my amendment is a very simple one, changing it from January 1, 2028 to January 1, 2024. And I asked for, for people's support on this. And I'm hoping that Senator Hughes, would you be willing to take a question?

KELLY: Senator Hughes, will you yield to a question?

HUGHES: Yes, I will.

RAYBOULD: So, Senator Hughes, are, are you OK with this, this adjustment to the amendment that you and Senator DeKay have worked on?

HUGHES: And-- for the date change for when we start tracking the-- doing the, the-- this is for the overflow, right?

RAYBOULD: Yes.

HUGHES: Yeah. And what-- I'm sorry, he was talking. What was your exact date? I know you did talk to me before, but--

RAYBOULD: So we talked instead of January-- the language currently in the amendment--

HUGHES: Was 2028.

RAYBOULD: --reads January 1, 2028, to change it to January 1, 2021[SIC]. Because further down, in Section 11, you say each scholarship granting organization shall annually submit to the department no later than December 1 of each year, an audited financial information report for its most recent fiscal year certified by an independent public accountant, which is very good, but you didn't want that to start January 1, in 2028. You wanted-- as soon as it's established, the NGO or the SGOs are established, that's when they should be reporting.

HUGHES: Yes, we need to start reporting right away. Right.

RAYBOULD: Right. As soon as they get established. And the other question, if I may ask, you know, we also talked about, and it's not in my amendment here, but we talked about at the very end, the information that you would like to gather. And we talked about-- do you want to talk about that process?

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HUGHES: Sure. Well, we talked-- and this is a little bit what Barry brought to the table. But basically, it's a biennium. And it, it reports to members of the Appropriations, the Education, and the Revenue Committees. And it's, it's written that the report shall include but not be limited to, a pro-- a review of the progress of the Opportunity Scholarship Act; the number of students currently waitlisted or denied from receiving an education scholarship and the reason for waitlisting or denial; the dollar amount of education scholarships given by the scholarship granting organization; and then the demographic information of students that receive education scholarships. And it says including but not limited to income level, grade level, geographic location. And I had mentioned prior that, like, something Senator McKinney requested, was race information. And because we're saying demographic and we're saying it's not limited to this-- leaves that open for that committee to get that information that they want.

RAYBOULD: And-- thank you. And would you consider being open to adding, at a future date, performance measurements of the students that actually are beneficiaries of these scholarships and how they're performing academically?

HUGHES: I think whatever we can add that gives visibility to how this pro-- because the intent, we just want to make sure it's following the intent of the, the bill. Right? So, yeah.

RAYBOULD: OK.

HUGHES: Yes.

RAYBOULD: Thank you very much, Senator. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Did you introduce me slowly so I could take time to walk over here? That was very kind of you. So I, I think I'm in favor of FA41. I appreciate Senator Raybould's eagle eyes in terms of identifying an issue and bringing a solution on the floor. It's-- you know, she's a senator after my own heart. So I remain opposed to LB753. AM1253 is the one we've been talking about most of the day because we started out the afternoon-- I guess, the afternoon-- evening. We started out the conversation on this bill talking about this amendment and now it's here and you just heard Senator Linehan explaining it, and I-- so my feelings about the

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amendment, AM1253 and FA41, are that I like that we're starting to put in a reporting requirement. I think that's really important. I think if we're going to do something like is contemplated under LB753 that we should collect data about it. We should look at it with clear eyes and be objective to determine whether or not it is achieving the objectives that we are claiming or hoping that it will. And so the review requirement has, first, a progress, progress report on the Opportunity Scholarship will be submitted to the Legislature every year by June 30, 2027, and June 30 each odd-number year thereafter. And then that-- it will include the number of students, students currently on the waitlist or denied from receiving an education scholarship and the reason for the waitlist or denial. So I read that part earlier and I said, you know, I think that those are good. That's good information. And I'd like to see us maybe beef that up a little bit. I'd like to see us look and say, you know, what-- which kids got a scholarship but maybe couldn't get into a school? A school denied, denied them entry for what-- and what the reason is. So, you know, number of kids we have, number of kids on the waitlist, currently on the waitlist or denied from receiving an education scholarship and the reason for the waitlist or denial. We could add number of kids on the waitlist who were denied from receiving a scholarship or denied entry to a school and the reason for the waitlist or denial from the, from the scholarship or denial from the school. I think you can add that and that would capture some more information. I think an additional category about kids who have stopped or left the program, stopped going to a private school, stopped accepting the scholarship, returned to public school and the reason for that. Just capture some more of that data, that it will be instructive as to what is going on. Because if one of the arguments for this bill is that kids are getting bullied, and then they go to a private school and they decide to leave that because they were bullied there, I think that would be instructive information for whether we should continue the program, whether we should continue to expand the program, those sorts of things. And so I do appreciate the increase in oversight, the data collection. I just think that there's more of an opportunity for data collection that is presented by this amendment. There's also the demographic information receiving-- of students receiving educational scholarships, including but not limited to income level, grade level and geographic location. I think that's some good-- that's good data to collect. I would like to see, maybe, some more information in that, but I would just note that it does have the including but not limited to language there. I guess, just the question is who--

KELLY: One minute.

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J. CAVANAUGH: --thank you, Mr. President-- who is the one making the determination about what is to be included beyond those three things? Is it the Legislature when we ask for that report? Is it the scholarship granting organizations themselves when they make the report? Is it the department-- the, the Department of Education, who I think receives the report and then transmits it to us? So I think that's a question, when you have some ambiguity in the law, but you hope that it covers other things. I mean, I guess it's never good to just, to hope. I mean, it's always good to hope. It's not good to hope that the law covers something. You should be explicit in it. But I get it. I understand that we don't know exactly everything we want to capture. And so some of these are ideas that if this bill does pass, maybe those are things we should come back and look at next year, next two years, sometime along the line to, you know, expand the oversight aspect of this bill. But like I said--

KELLY: That's your time, Senator.

J. CAVANAUGH: --oh. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. I agree. It is always good to hope. I think that we, we need a little bit of hope here today. I still rise opposed to LB753. I am, I believe, in, in tentative support of AM1253. And I'm, I'm also kind of trying to understand FA41 a little bit more. When this bill passed from General File to Select File, I know there were a lot of conversations that were happening about modifications that would have to get made in order for support to sort of exist beyond Select File. And I'm not the individuals who were a part of that conversation. I've been pretty clear with my opposition to LB753 through the entire way through, but I did talk to some folks about what their hesitations were. And I'm not going to like, get into those conversations or name names, that's not what I'm, what I'm here to do. But I will say that when I was waiting to see what an amendment to LB753 would look like, I was anticipating substantially more with regards to some of the safeguards that were going to be built into LB753, and perhaps also some additional caps that we'd see on the overall amount. You know, one of the concerns that I've expressed and I think others have expressed time and time again, is the \$25 million to start with is a very, very high amount. And then the ultimate escalator to \$100 million, while still capped, I understand it stops at that \$100 million, which was a concession. And I appreciate that. I still believe it's too high, given the effect that's going to have on

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our General Fund. And we continue, as a Legislature, to talk about the package that we are constantly trying to make work. And yet again, I remain concerned that we are not being good stewards of our, our financial situation. And so I want to make sure that we, we are good with regards to our expenditures versus our income. And so when I was waiting for this amendment, I was anticipating maybe a reduction of the \$25 million down. I was maybe anticipating a cap that we could have seen. And so I was a little bit surprised to see that those weren't included, as it was my understanding those were at least part of the conversation of what was happening. That being said, I do think credit where credit is due is important to give, and I do think that AM1253 is a good faith effort to address at least some of the concerns that were brought up by individuals early on, on the general debate. One of those that I would agree with others is very important that we try to do is some sort of reporting and some sort of lookback. You know, one of the major concerns we've talked about time and time again about programs like this is not just who these scholarships go to, but it's how these scholarships are affecting actual educational outcome. And so, I do agree that it's important to collect the data that we're talking about here with regards to who these scholarships are going to. I absolutely think it's important for this to include race, given that that's been such an integral component in what's been discussed, with regards to why some folks are supportive of this. And I want to make sure that that's something we're collecting data on, in terms of the demographic these are going to, because I think it's important to understand that we're being supportive and not exclusive with money that's being given out by the state. But I would also like to, I think, down the line, along the lines of what Senator Raybould was talking about, address a few other things. You know, if we're talking about reporting, I would be very curious to see who is denied from getting these scholarships versus just who's getting them. I know that might-- that information might be slightly more difficult to ascertain. But if this money is going to SGOs and these SGOs are then giving out scholarships to schools to utilize for students, I think it's going to be really important that we know who's not getting these scholarships. I want to make sure we understand exactly who's benefiting from this, who's not benefiting from this. And I think that's something that later on we can start collecting more information about. And it's something I would have liked to see in these reporting requirements.

KELLY: One minute.

DUNGAN: Thank you, Mr. President. But I understand they're not there. The other thing is, and I'm just going to be frank with this, the 25

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percent that ultimately goes back to another SGO or the General Fund, I understand the idea behind that. I don't see that as an actual safeguard in any of the spending that we're running into. I don't think that that's ultimately going to be a problem. I remain unconvinced that there's going to be an issue where people are not utilizing this tax credit. I think this is slightly different than what we're talking about with other tax credits that have not been fully utilized, like the Property Tax Credit Fund and things like that. I, I think this is absolutely going to be taken advantage of right off the bat and I think we're going to see vast use of this, very, very quickly. And so, I don't believe that the component with regards to the kickback to the General Fund is much of a concession, although I do think it's better than what was originally contained in LB753. So I will be in support of AM1253, with hope that as time moves forward, if this bill passes, we can continue to have conversations about what information should be gathered. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I would-- Senator Hughes, would you like-- may I yield you some time?

KELLY: Senator Hughes, will you yield?

HUGHES: I would.

KELLY: And that is 4:40.

HUGHES: All right. Thank you. Thank you, Senator Raybould. So we got a little discombobulated there. That's a big word. OK. So on this amendment, already in the original bill is some annual reporting mechanisms that's listed there. This amendment does two things. It, again, monitors this from filling up with money, not giving out scholarships. And we've talked about this. Anything in 25 percent excess or over will be turned either to another SGO if they have need or will go back to the state. That piece of it does need to-- that, in this amendment, starts in 2028. And that is for-- the, the original Opportunity Scholarship starts in 2024, and we need a few years to let that-- the SGOs develop and build, and, and, and yes, at that point they can maybe fill up more compared to the scholarships given out. But then, after four years-- now, well, it's kind of more three years-- but then, we go in and say anything in a year that hasn't been given out or gone to another SGO in need, anything over 25 percent carryover has to come back to the state. But we don't want that to

start immediately the first year this begins because it's just-- I think Senator DeKay said it best, it needs time to percolate and get moving. So, so that-- so therefore, Senator Raybould's amendment of the date change does not work here. But I just want to do remind everybody that there is reporting mechanisms in the original bill. And then, with this amendment, is just a little bit deeper dive into how the Opportunity Scholarship Grant Act is working. And that's where we're getting into that demographic data and data of what kids are getting scholarships or-- and if kids are getting turned away from a scholarship, that, that is just a little bit deeper dive. But the other reporting will all-- it will start with a SG-- with the Opportunity Scholarship Act from when it goes into effect. So I hope that clarifies. So yes, on AM1253, no on the FA41. OK, Thank you. I yield my time.

KELLY: Senator Raybould.

RAYBOULD: Yes. Thank you, Mr. President. You know, we've had a really good discussion. And I think the point is well noted that we are all in agreement that we want to make sure that there are appropriate reporting mechanisms in place. I think we all feel very good about those reporting mechanisms in place. And so, at this point in time, I, I would like to just withdraw my FA41 amendment.

KELLY: FA41 is withdrawn. Returning to discussion on AM1253. Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I am concerned about AM1253. It came up really quickly. It was filed on April 10. So we only had three days. And I'm very concerned that we're not taking-- standing at ease or having a recess so that can-- we can really have a conversation about this. On the last bill, we had an amendment come up because Senator Hunt and I withdrew our motions so that the amendment could get up, just like we did with this one. That one was filed on March 23, and we had complete, complete chaos. And we had to have people leave the floor and stand at ease and suspend the filibuster time clock. And I just think that if we're going to be consistent, that we should be doing the same thing on AM1253. And I-- there is actually no mechanism for us to stand at ease. It's just at the whims of the Speaker. But I am asking that the Speaker have us stand at ease so that we can get this worked out appropriately and have it then withdrawn or have people vote against it and have it fail. And then we can negotiate some more between Select and Final, because everybody knows, always let the hostage taker take you to a second location. It's going to work out great. It's going to work out great. So this

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has only been available to us for three days. And the last bill, and the last amendment on that bill had been available to us for a couple of weeks. And I just am really, really concerned. We have about the same amount of time left on this bill. So I just-- for consistency sake, I really think we should stand at ease. And then have some chaos and then go back to our procedures and have a short recess so that we can all have no idea what's going on and have the Speaker take a bunch of people into a room, not know who's in that room, have him come back, nobody tell us what's going on, have everybody keep being confused, and then move the bill forward. I think that's the best course of action at this point in time for consistency's sake. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Linehan, you are recognized to speak.

LINEHAN: Thank you, Mr. President. So I'm going to go back to some of the constitutional questions. So-- and I have all this in writing if somebody wants it, but I, I know you're all like me. You get so much paper you don't know what to do with. But there's these books back here if anybody would like them. So the Nebraska Supreme Court has repeatedly held that state Constitution permits aid to students and any benefit to a school is incidental. In the Father Flanagan's Boys Home v. Department of Social Services, in 1998, the Nebraska Supreme Court permitted the state to contract with private schools to educate children with special needs. The fact that nonpublic institution derives a benefit from a contract does not transform payments for contracted services into an appropriation of public funds, proscribed by an article in the Nebraska Constitution. Then you can go back to Cunningham and I'm going to mess up this name, Lutjeharms, I'm guessing. In 1989, the Nebraska Supreme Court found that lending textbooks to private schools is lawful, because it merely makes available to all children the benefits of a general program to lend school books free of charge. Then, way back in 1982, the State v. Bouc v. School District-- it's Bouc v. School District. Sorry, I'm not a lawyer. I'm sorry. The Nebraska Supreme Court held that any benefit to a private school that came from bussing is incidental and not a violation of the state's Constitution. The ultimate beneficiary of a student aid program is the student, not the school. Arguing otherwise makes as much sense as concluding that the ultimate beneficiary of food programs is a grocery store. I can go back to the Supreme Court cases. I have-- we've had constitutional experts that have worked these issues, from all over the country, work on this bill, look in this bill, there is no constitutional problem. And I'm not going to pull other people into this. But we already-- the state already

contracts with other private institutions. We contract with CHI, we contract with Boys Town. We contract with all kinds, because they are the best fit for the student that we're trying to find services for. Alls we're doing with this program is letting parents, who otherwise could not afford it, find the best fit for their student. And I'm, I'm all in on the fact that it needs to be watched and the fact it shouldn't be abused. And just another couple of things, I'm trying to think quickly now, other things I've heard. And Senator Walz suggested I should say something. It's in the bill, I think-- see if I can find it. It's on page 8. So prior-- so this is for the contributor. Prior to making a contribution to a scholarship-granting organization, any taxpayer desiring to claim a tax credit under the Opportunity Scholarship Act shall notify the scholarship-granting organization of the taxpayer's intent to make the contribution and the amount to be claimed as tax credit. Upon receiving each notification, the scholarship-granting organization shall notify the department of the intended tax credit amount. If the department determines that the intended tax credit amount is in the no-- in the notification would exceed the limit specified in the bill, which we all know is \$25 million, they shall notify--

KELLY: One minute.

LINEHAN: --the taxpayer that they don't-- they can't use the credit. So this is, this is the act. All kinds of fences around it. It's, it's capped at \$25 million. And then, I'm going to go to worrying about whether we will hear if there are problems. Now, really, guys, we're all senators, 49 of us. I think most of our constituents, if they have a problem and they-- somebody is not following the rules, their child didn't get accepted to a school that should have got accepted to a school, we will get a phone call. We don't really-- I've been here seven years. We hear from people if there are problems. We don't depend-- we do, we get lots of reports. I sit on two or three committees, between the Revenue and the appropriators and the Executive Board. And we look at all the tax reports. It's usually in August or September. We don't really want to be here. We look at them.

KELLY: That's your time, Senator.

LINEHAN: Thank you.

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

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DeKAY: Thank you, Mr. President. I'll be very brief with this. Senator Dungan brought up some points. And that is my part of this amendment, AM1253, that we do reevaluate once we get on track and once we get into the groove of how this scholarship is going to work. It will be an ongoing process. That's my intent, that we do reevaluate every year to see where we are with it, who's benefiting, who's not benefiting from it and how much money is being used. So it will be an ongoing process on-- once we get going, that it will be looked at on a yearly basis. So thank you.

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

J. CAVANAUGH: Thank you, Mr. Lieutenant Governor. You could have talked a little slower that time. It would have gave me some more time to get up here. My understanding is we're at cloture on this in-- let's see, what is it, 4-- 7 minutes. That's my understanding, so I'll talk and then, I think, somebody else will talk after me and I think we'll be done. So we took a-- Senator Raybould has withdrawn her amendment since last time, so I don't have to make a decision on that. But, like I said before, I do think, in spite of the fact that this amendment has-- hasn't been out there very long, it's not very long, not a very long amendment. I hadn't read it before we started the debate today, but I have read it since then. And as I've said a few times today, adopting this amendment doesn't change my position on the under-- underlying bill, though I, I do think we should adopt this amendment. So-- and again, it has-- because of the reporting requirement and I would like to see us, you know, foster or bolster up that reporting requirement. And then, there's the other part that I think Senator Hughes talked about, where the money kind of gets-- can get shifted to places where there's maybe some more need, when somebody has more than they have, you know, what are they-- what's the saying, from each according to his ability to each according to his need? Is that the saying, looking at my rowmate. It's that-- somebody says that. I don't know who it is. But, yeah. So I think that reallocation-- I don't-- that-- it-- in the grand scheme of the bill, I don't have a problem with that. I did have some questions early on, about the part where this kind of-- the money will, if unutilized after a period of time, will roll back into the General Fund. I know we don't have a lot of time to talk about this anymore, but that raises concerns for me, just about-- just the general scheme. But it, again, doesn't change my fundamental problems with the bill that I don't want-- not-- don't think we should be directing government funds in any capacity towards institutions that don't have to take the kids, that the kids can still get denied, despite the fact they have the

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money. So I don't really-- I don't think it'd be probably fair, I guess, to go down that path at this point, since we don't have time for any rebuttal conversation. But I'll-- I think I'll support the amendment and be opposed to the bill. And of course, when we do get to cloture, I would be a no vote on cloture. But if we get past cloture, like I said, I'd probably vote for the amendment and still against the bill. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I was wondering if Senator Linehan would yield to a couple of questions.

KELLY: Senator Linehan, will you yield to some questions?

LINEHAN: Certainly.

DeBOER: Senator Linehan, the amount in this program in the first year is \$25 million. Is that right?

LINEHAN: Correct.

DeBOER: And about--

LINEHAN: It's capped at \$25 million. We don't know that it will get there, but that's where-- it can't get any bigger than that.

DeBOER: OK. And, and how many students-- I mean, what's the average sort of scholarship that students get on this program?

LINEHAN: The number I used was \$5,000 before-- because for grade school students in some grade schools, it would be less than that. But high school students would be more than that. And it depends-- you know, and it also depends-- I'm most familiar with the Catholic schools. I think other schools can be more or less. But that's a number that, I think, can be average.

DeBOER: So then what does that make? \$5,000?

LINEHAN: Yes.

DeBOER: It's \$5,000 of these scholarships. Is that more heavily, generally high school, grade school? Does it tend to go one direction or another?

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LINEHAN: I expect it will be more used in grade school, at least in the beginning, because it's just easier, I think, with grade school kids. There's-- schools have cultures. And if you've got a grade school kid that's in one culture and they're happy, you know, I think they leave them there. I think when-- there's a lot of students who change even from-- they may go-- my children all went to public elementary. And then, three of the four went to private high school. So I think there's-- I think you could have-- I know others that went to private, a lot of go to private--

DeBOER: Elementary?

LINEHAN: Thank you. Thank you. Private elementary and then switch to public high school. And a lot of that reason-- I was just telling somebody that asked me tonight. St. Patrick's in Elkhorn, most of those people-- it's-- I think the tuition there is \$4,000 a year, which is pretty hefty, but they're in a-- they're-- most of those people are in a situation that can. But I do know there's one family with seven children who, they can, they can cut that, but they can't afford private high school.

DeBOER: So, so what is the-- generally, what's-- what amount of money is usually the tuition in those, let's say, private grade schools?

LINEHAN: I think the tuition in grade schools averages all the way from less than \$2,000 a year to probably \$4,500 a year.

DeBOER: And, and how else-- because it costs more than that to educate a child.

LINEHAN: It does. It does.

DeBOER: So how else are those schools paid for, currently?

LINEHAN: Donations, fundraisers, I mean, I think, fish fries. I think fish fries are often run by the schools and they are a huge contributor to school expenses.

DeBOER: And so, people are currently donating to these organizations right now?

LINEHAN: Yes. Well, there's-- there are several-- I shouldn't say-- I don't know exact number. I'm sorry. But I could get those numbers. But there are thousands of kids in at least Omaha area that are on scholarships, that are raised through fundraisers, dinners, auctions, all the private contributions.

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DeBOER: OK. Thank you, Senator Linehan. I, I first want to say, you know, for folks watching out there, I think that these are really good organizations. And I hope that you all will consider donating to them, because education is so important. And then I will say, kind of a broken record here, what I said before, which is that while I find these really important organizations and I find supporting them really important, I also think that they should not be given a step ahead against other kinds--

KELLY: One minute.

DeBOER: -- of charitable donations. These are really great programs. I hope people will donate to them. I do not think that we should be giving a dollar for dollar tax credit to them. Senator Linehan knows that. That's sort of always been my position here, because I don't want them to skip the line ahead of all other charitable organizations. I'm glad that they're doing well so far, but they could be doing better, so donate to them. But I do not think that this is the appropriate way to handle those donations with respect to tax policy. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Mr. Clerk, you have a motion on the desk.

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

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

LINEHAN: Call of the house and a roll call vote in regular order.

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

CLERK: 32 ayes, 4 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. Members, the first vote is the motion to invoke cloture. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator

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Ballard voting yes. Senator Blood. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt not voting. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator, Senator Day. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn not voting. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Frederickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas not voting. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne voting yes. Senator Wishart voting no. Vote is 34 ayes, 9 nays, Mr. President.

KELLY: The motion to invoke cloture is adopted. Members, the question is the adoption of AM1253. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the amendment.

KELLY: The amendment is adopted. The next vote is on the advancement of LB753 to E&R for engrossing. All those in favor say aye. All those opposed nay.

M. CAVANAUGH: Record vote.

KELLY: Request for a, request for a record vote, machine vote. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Bosn, Bostelman, Brandt, Brewer, Briese, Clements, DeKay, Dover, Erdman, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Riepe, Sanders, Slama, von Gillern, Wayne. Voting no: Senators Bostar, John Cavanaugh, Machaela Cavanaugh, Conrad, DeBoer, Dungan, Fredrickson, Hunt, Raybould, Walz, Wishart. Not voting: Senators Brandt, Dorn, and Vargas. 33 ayes, 11 nays, 3 present, not voting, Mr. President.

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KELLY: LB753 advances for E&R Engrossing. The call is raised. Mr. Clerk.

CLERK: Mr. President, next bill, LB753A, introduced by Senator Linehan. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provisions of LB753. The bill was for read for the first time on January [SIC] 28 of this year, placed directly on General File.

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

LINEHAN: Thank you, Mr. President. I would appreciate your green vote on the A bill. Thank you very much.

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

M. CAVANAUGH: Thanks, Mr. President. Thank you. Sorry, getting a little informal. I haven't even had a chance to look at this A bill but, so I guess other people can look at it while I'm talking. And I'm wondering if we have any motions filed on this A bill. No. So that's probably something I will be doing. We can only take 30 minutes on an A bill so I guess I'll take the 30 minutes that I can take on the A bill. And, yeah, if anybody wants to be kind enough to draft a motion for me that I can sign while I'm talking because I'm the only one in the queue so otherwise I will just draft it while I'm talking, which I can also do, I guess. Senator Ernie Chambers used to draft motions while he talked, but he would, like, actually talk. Oh, someone got in the queue so I can actually do that. Thank you. But so he would, he would draft motions while he talked and he would not talk about what he was drafting while he was doing it. And I can type and talk at the same time. I don't know why I can type and talk at the same time, but I cannot write and talk at the same time. It is not, I don't know why, it's, like, the same information coming out through my hands but the mechanism of my hands is different and I think I can somehow just think more easily with typing. But I don't have a way to type a motion to bracket until April 14, and so I have to handwrite it and then sign it. But, yeah, so I'm just standing up here talking about LB753A because that's what I'm doing. I'm talking about everything all the time, 24/7. And it is just as fun for me as it is for all of you so don't worry I am equally frustrated with myself. OK, here we go. It took me a while to type to get into here. LB753A, a bill for an act relating to appropriations; to appropriate funds to aid in carrying out the provisions of LB753, One Hundred Eighth legislation to be enacted. Oh, so it's not-- OK, wait, I've got to go to the next page.

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Sorry. OK. There is hereby appropriated \$248,031 from the General Fund for FY '23-24 and \$42,442 from the General Fund for '24-25 from [SIC] the Department of Revenue for Program 102 to aid in carrying out the provisions of LB753, One Hundred Eighth Legislature, First Session, 2023. The total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$30,400 in '23-24 and \$30,900 [SIC] '24-25. What, what, what are we paying for? What is the state paying for in this bill? I guess I need to go and look at the fiscal note of the underlying bill, which probably was updated when the bill moved--

KELLY: One minute.

M. CAVANAUGH: --to Select, although it might not have been changed because I don't think anything changed about the bill originally. Now some things change, I have no idea what changed because it all happened so fast and we didn't stand at ease and have more confusion over it. And we didn't then take a bizarre impromptu recess so that none of us could know what was going on and then not communicated at all. So I am as clear on what amendment was just added to LB753 as I am clear as to what happened at the end of debate on LB574, which to clarify for everyone at home is I have no idea. Apparently, if you belong to the right political party and you want to legislate discrimination, all rules go out the window and we just do whatever. We just don't care about the institution anymore.

KELLY: That's your time, Senator. You're next in the queue.

M. CAVANAUGH: Fantastic. OK. Thank you, Mr. President. So I am-- OK, there's the committee statement, there's the fiscal note from the original bill. There's a fiscal note filed on April 4 on this bill, maybe it gives us a little bit more detail. Interestingly, the A bill does not have in it the revenue loss, which I understand because it's the appropriation. But if you look at the fiscal note, we're not just talking about appropriating \$248,031 this year and \$42,442 next year, we are also looking at a revenue deficit of \$25 million. Great. But we can't feed kids. We can't feed kids at school and we can't feed kids that are SNAP eligible because we refuse to maintain the increased eligibility. But we can get them educated in a private school with a \$25 million deficit. Perfect sense. We can't do childcare subsidy increases, we can't do SNAP eligibility increases, we can't do TANF eligibility increase, we can't do TANF payment increase with our \$130-plus million rainy day fund that we're just going to allow the Appropriations Committee to pilfer for pet projects that are just cronyism, that we can do. But we can't actually give direct cash

assistance which is the intention of the TANF fund. We can't do that. Instead, we can create new programs for pet projects of senators. That we can do. But I will not vote for this because, again, I-- and I didn't vote for the, the underlying bill either because I'm going to financially benefit from this when I start my scholarship program with Senator Hunt for LGBTQ youth to go to schools that will be loving and encouraging of them for who they are. So it's not appropriate for me, it would be a conflict of interest for me to vote for LB753 because I do ultimately intend to financially benefit from this bill once it is enacted with the scholarship program. And by benefit I mean that Senator Hunt and I will be able to draw down an administrative fee of, is it 10 percent? I think it's 10 percent that we get for administering the \$25 million program. And that's what, 10 percent of \$25 million, is that \$2.5 million, so I'm not going to vote for it. That wouldn't be appropriate because I'm going to financially benefit from it when I create my own scholarship fund for the LGBTQ youth of Nebraska. So I'm very excited about that. Thank you all for that opportunity. It's going to be a great business endeavor for Senator Hunt and myself and it's going to be really good for those trans kids that you are trying to eradicate from existence. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I probably won't vote for this, but I don't think it's going to need my vote, I guess. But although I do remember Senator Flood, now Congressman Flood, told me when he first got here that even if you're against a bill you should vote for an A bill because if you've done something, we've already, basically the state has already obligated to do something and so it's the right thing to do to pay for it. So I don't know, maybe I should, although I know this A bill is just for staffing in terms of internally in the department, I think it's 240-some thousand dollars the first year and then 40-some thousand staffing the next year. So I'll take the time that this bill is being discussed to think about what I'm going to do. I guess I hadn't, it's interesting, I hadn't weighed this yet. I'm trying to remember what I've done in the past on A bills on bills I have voted against. Probably did vote for them back when Senator Flood was here because I probably remembered that he, he mentioned that to me. And I thought, well, he seemed like an institutionalist and supported the full faith and credit of the state of Nebraska and the legislative prerogative and preserving the integrity of this body. So I kind of at that point, certainly respected his opinion about how this place should function. And he

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was, I know you all really like him, and now that he's in Congress and I think some of you were frustrated with him when he was here because he was one of the people who did vote different ways. He broke, he broke with the pack and voted against certain bills. You know, he voted for some stuff that I did and he voted against some stuff when I was fighting it and so we ended up being on the same side of a few things and we had a few fights. So I appreciate that about him that he wasn't, wasn't always certain which side he was going to be on. And I'm hopeful that as people around here get a little bit more seasoning, they'll break out of their box and be more willing to break from the pack and vote, you know, different ways. You know, one way of describing it would be say vote your conscience and vote how you feel, actually feel about something and not just kind of go along. So that's, I don't know. So I'm, I'm thinking about where I'm going to be at on this. I just wanted to make sure that we have an interlude from the other Senator Cavanaugh as we consider this bill. But I will take my time in the next 20 or so minutes and think about where I'm going to be on this. Thank you, Mr. President.

KELLY: Thank you, Senator. Mr. Clerk, for an item.

CLERK: Mr. President, a priority motion, Senator Machaela Cavanaugh would move to bracket LB753A until June 1.

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

M. CAVANAUGH: Thank you, Mr. President. Well, Senator Cavanaugh, you can vote for the bracket motion because you're just putting this off until June 1. So we're still in session, you can just, you can vote for the bracket motion. There you go. And that's not voting against the bill. It's voting to bracket it until another date. And it's a good point that, like, we have already committed so voting for the A bill is probably something that we should do. I kind of take that approach many times with a committee amendment, is that there's been times that there's been committee amendments and former Senator Geist, mayoral candidate, she had the committee priority bill for Transportation, which she was the Chair of and abandoned last week, you might remember. So when she did that, she had this committee priority bill and there was a committee amendment. And even though I oppose the bill, I still think that it's important for the amendments because, the committee amendments to have, you know, if the bill in committee is going to move out I usually vote for the committee amendment even if I'm voting against the bill because it's the committee amendment. So, yeah, so I get that. I get having a philosophy around an A bill because we've committed ourselves. And

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sometimes, a lot of times a committee amendment has, like, technical cleanups in addition to maybe amending other bills into it which this year is, I don't think a Christmas tree is the right term because they're so massive, maybe more like a Festivus pole because they're massive, but also just like there's lots of airing of grievances. Yeah, but again, not going to vote for this because I feel it would be inappropriate since I'm intending to start a scholarship fund with Senator Hunt. It's going to be our new business. Yeah, we've been workshopping some names. We haven't settled on one yet, but I know whatever we come up with will be fabulous. And after today, I kind of feel like it should be Britney Spears themed, because that, that lady is fierce and doesn't let anybody get her down. So this is a \$25 million bill that the A bill is going to authorize the staff that's going to make sure that we don't get-- collect \$25 million in tax revenue. That 2.5 of it is going to go directly to Senator Hunt and I's pockets so thank you, I guess. But actually, you know, that money is more than it would cost to maintain SNAP eligibility at its current rate. SNAP eligibility at its current rate would be less, I think less than half of what would go into our pockets for the administrative fee of this bill. Yeah. And that, maintaining that eligibility will feed 10,000 Nebraskans; and without maintaining that eligibility, 10,000 Nebraskans who currently have access to the SNAP program will lose access to it. But some of you all have a philosophical block with giving low-income people access to food. And those same people want to give those same children access to private education, not food, no, no, no, no, no, not food, but a private education. Not food with that private education either because we are not going to do universal school meals, not food through a SNAP program. But I'm sure they will really appreciate that private education when they are hungry. I'm sure that's going to be great for them. It's really going to benefit those kids because we all know that kids learn really well when they are hungry, when they have housing insecurity, when they're sleeping in a car in the dead of winter in Nebraska because their parents have been evicted because they can't afford their rent and we refuse to take federal funding for rental assistance, but at least still have that private education and Senator Megan Hunt and Machaela Cavanaugh will have our new business venture. Gosh, this place is weird. It's weird for somebody, not me, but for people who, like, think in a very, like, logical, pragmatic way, trying to make sense out of how the people within this body function and the mental gymnastics you all do to get yourselves to where you need to be for the votes that you're voting on. Whoo. I mean, I am mentally exhausted, but I can't even imagine how those of you that don't support the bill but just worked on whatever that amendment was and then you're going to vote for this,

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but then you're going to vote against food for kids because, like, it's a journey. It's a journey. I'd like a mind map of it, actually. That would be kind of interesting. Have any of you mind mapped your journey of hating poor people, actively working against them? Maybe you should, maybe there'll be a journey of self-discovery. Yeah. How much time do I have left?

KELLY: 3:30.

M. CAVANAUGH: Cool, great, what else can I talk about? Mind mapping your journey. Certainly, going to look into that, workshop some names for the new scholarship fund that is specifically for LGBTQ youth and making sure that they are getting the education that they want. I will say, and I haven't talked to Senator Hunt about this, but probably some of the money that at least my income, she can decide with her income, might go to making sure that those kids get fed since this body won't do it. We could, we could work on that, we could work on that on feeding children. This place is so weird. I just looked at the HHS bill that's on the agenda and it has an amendment. It's not a committee amendment, but it's an amendment with 15 bills in it and which calls into question a lot of things, primarily-- even when it's a committee amendment, germaneness is kind of a thing. But when it is just a senator's amendment with 15 bills in it on the floor, there is not the assumption of germaneness. So that's going to be an interesting conversation tomorrow, just "telepathing" for you all what we can look forward to is talking through 15 different bills that are LB227, which was also a TV show. And they're good bills, I mean, from what I can tell most of them, I think I voted for most of them out of committee. They're good bills, it's not that, it's just like germaneness, whatever, rules, let's just stand at ease. It's fine, arbitrarily. If I just say stand at ease, are we standing at ease? Is that how it works? Because nobody knows how it works. At ease. Abracadabra. At ease. Stand at ease. No? OK. Oh, I'm tired, I'm tired.

KELLY: One minute.

M. CAVANAUGH: I missed seeing my family today, my kids for sure, but I also missed seeing some other family that was visiting in town and I'm really bummed about that. But I hope to see them tomorrow if they're watching. I hope I get to see you tomorrow because I miss you and I'm happy that you were here and I hope you had a good evening. And I'm sorry I missed it because I love you. Thank you, Mr. President.

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

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HUNT: Thank you, Mr. President. I haven't seen my kid since Monday, and it's because I leave before he wakes up and then he rides his bike to school and then by the time I get home he's asleep. So I know how you feel, Machaela. What we do, though, is text and I like to show him some of the dumb, dumber, people are not going to like that I said that, but some of the dumber emails that I get that are anti-trans. But first, I want to say that I rise in support of the bracket motion. I rise in opposition to LB753A because I'm going to be opposing anything that is funding LB753. What that amendment, or not amendment, what that A bill does, it says that: There's hereby appropriated \$248,031, 31, not 30 or 32, from the General Fund for fiscal year 2023-24 and \$42,442 from the General Fund for fiscal year '24-25 to the Department of Revenue for Program 102 to aid in carrying out the provisions of LB753, One Hundred Eighth Legislature, First Session, 2023. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$30,400 for fiscal year 2023-24 or for fiscal year '24-25. And as we started debating this bill, I send my son one of, like, a screenshot via text of one of the emails I've gotten. And the subject line is transgenders in all caps. And it says, there's a lot of misspellings, says how can-- I'm just going to read it as it's meant to be read: How can a child know about gender? I wanted to be a boy when I was in seventh grade to play football. What did I know at the age of 12? What a mistake I would have made. And Ash responded, I'm glad they didn't make that mistake, and I'm also glad I didn't make a similar mistake. And he goes, also, gender isn't something you know about in the sense that you learn about it, but it's something you feel for yourself. And, of course, you can learn about other people's experiences and feelings and see if they align with your feelings about your own gender. Boom. There you go. And I said, I wish that you had been listening to our debate today. He has not listened to any of this debate. I, I checked in with his mental health, you know, pretty often and I ask him, you know, are you doing OK? A lot of people ask me if my kid is doing OK? And he continues to say, like, yeah, I'm fine. Is everything OK at school? Anyone saying anything to you? No. No one bullies him, no one says anything to him except you guys, except the adults that I work with are the only people bullying him. So he's doing fine. Looking at this section, we also-- you all should have received a letter from a group of Nebraska medical experts and healthcare professionals. I'm going to estimate here, I'm not sure how many people have signed it but let me quickly guess here, that'd be 10, 20, 30, 40, probably about 150 doctors, MDs, APRNs, MD, RN, all of them, MDs, RNs, and APRNs.

KELLY: One minute.

HUNT: Thank you, Mr. President. And they say: We are a group of Nebraska medical experts and healthcare professionals representing multiple specialties united in opposing LB574, the Let Them Grow Act, because it will severely limit our ability to provide compassionate and safe medical care and will cause irreparable harm to our patients. LB574 directly contradicts the overwhelming consensus of every reputable medical professional society, including the American Academy of Pediatrics, the American Medical Association, the Endocrine Society, the American College of Obstetrics and Gynecology, the American Academy of Family Physicians, the American Psychiatric Association, the American Psychological Association, and the American Academy of Child and Adolescent Psychiatry. They go on: Gender-affirming care is never provided without the full informed consent of the patient and their parents or legal guardians who have the right and duty to input into the medical care of a minor. It is always done cautiously and in consultation with one or more mental health professionals. As healthcare professionals, we have a duty to treat--

KELLY: That's your time.

HUNT: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Just was catching up on the text messages about my kids and if they're still up or not, then I'll probably get some text messages with goofy emojis, which I love. And then one of them will say who it is that has taken their dad's phone to text me. I like to text them back little, like, those sticker emojis that you can have, they're, like, on avatar because they have no idea how to get those and so they're always thrilled when I do that because it's silly. I haven't started sending them GIFs yet because I feel like then I'm raising the expectation of what they will want me to send to them when I'm texting them when I'm not at home. And I'm just, you know, I want to save that for, like, when they're having a really bad day, then I'm going to come up with some really cute GIF. It'll probably be one of, like, a cat hanging on a tree and actually swinging, it'll say: Hang in there. Classic, classic cat hanging on a tree. Hang in there. Maybe one of dogs playing poker but, like, live-action dogs playing poker. I love things with animals doing human things. Like, there's a car commercial, I think it's, I don't know, maybe Outback. I wonder how pet insurance would feel about this, but

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it's dogs driving cars and it is the cutest thing and it's, like, a family of maybe golden retrievers. I can't remember now. It's a few-- it was, like, a Super Bowl commercial a couple of years ago and it's super, super cute. I just really like those. One of my favorite movies, it's not animals doing human things, but it's animals, talking animals and it is still one of my favorite movies, Babe, and the sequel Babe: Pig in the City. I love that. Not just because the voiceover actress's last name is Cavanaugh. I think her name is actually Colleen [SIC] Cavanaugh that does the voice of Babe and I have a sister Colleen. But that's not why, it's just, it's a fantastic, like, feel good, cute, sweet movie about Babe and the farmer and then Babe, then the sequel Babe goes to the city and there's, like, an animal hotel. Gosh, now I don't remember everything about Babe: Pig in the City. I'm going to have to watch that. I hope I can convince my kids to watch that because, oh, that'll be one of our movie nights if I can convince them. They sometimes have very strong feelings about what they want to see. We recently watched Moana. I think that was last week's movie was Moana and I love Moana and my youngest got a turtle that's on a string from Goodwill, like, the week before. So he's named it Tamatoa after the turtle, the sea turtle that has the Maui's hook in his back. And he's shiny, I'm shiny. And so my youngest has been singing the shiny song and pulling his Little, Little Tikes Turtle and calling it Tamatoa and singing the shiny song, I'm shiny, and it's really sweet. It's really sweet. So I thought I would just talk about that for a few minutes because, I mean, or I could go back to the fact that we are, like, refusing to feed children, you know, mix it up, talk about some nice things, then remind you all how you're heartless and you don't want to feed kids. Cool. All right. Thanks.

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

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

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

LINEHAN: Call of the house, roll call vote in regular order.

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

CLERK: 26 ayes, 1 nay, Mr. President, to place the house under call.

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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. Members, the first vote is the motion to invoke cloture. There's been a request for a roll call vote, regular order. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Senator DeBoer voting yes. Vote is 41 ayes, 1 nay, Mr. President.

KELLY: The motion to invoke cloture is adopted. The next vote is on the bracket motion. All those in favor 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. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach

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voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 3 ayes, 41 nays, Mr. President.

KELLY: The bracket motion fails. The next vote. Roll call requested on the vote to advance LB753A to E&R Initial. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 42 ayes, 2 nays, Mr. President, on advancement of the bill.

KELLY: The bill is advanced. Raise the call. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB103 is correctly engrossed and placed on Final Reading. Additionally, your Committee on Enrollment and Review reports LB138 and LB683 as correctly engrossed and placed on Final Reading. Amendments to be printed: Senator Hansen to LB227. Name adds: Senator DeKay to LB138; Senator Holdcroft to LB254 and LB606; Senator Walz, LB647; Senator Ballard, LB736; Senator DeKay, LR88. Mr. President, a priority motion. Senator Conrad would move to adjourn the body until Friday, April 14, at 9:00 a.m.

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KELLY: You've heard the motion. All those in favor say aye. All those opposed, nay. We are adjourned.