

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

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-third day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Reverend Les Parmenter, Thomas County Parish, Thedford, Nebraska, a guest of Senator Jacobson. Please rise.

**REVEREND PARMENTER:** Would you join me in prayer. Holy God, we come to you this morning to ask for your forgiveness and blessing. We thank you for our many past blessings and the blessing that we have of living in this beautiful state. We thank you for the many different landscapes and cityscapes across the state. We thank you for the productive ranches and farms that make such a difference. We ask that you would continue to watch over our hardworking people whose jobs are often dangerous and difficult. We thank you for the businesses that provide opportunities for us to live the good life together, from large corporations to small family operations. Help us continue to be quick to help and care for each other, as you said that we should. Oh, God, we especially pray today for our state senators, not only for them but also for their staffs and the support systems that help them to do such important work. We ask that you would bless their work for the good of all Nebraskans and help them to be guided by your love and guard them from difficulty. This we pray, amen.

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

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

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

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

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

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

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

**CLERK:** There are, Mr. President. Your Committee on Government, Military and Veterans Affairs, chaired by Senator Brewer, reports LB53, LB684, LB16 to General File, LB16 having committee amendments.

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Additionally, your Committee on Natural Resources, chaired by Senator Bostelman, reports LB769 to General file with committee amendments. And your Committee on Enrollment and Review reports LB753 has been placed on Select File. Notification from Senator Ben Hansen that LB181 has been selected as a Health and Human Services Committee priority bill; LB181 Health and Human Services Committee priority bill. Additionally, Senator DeBoer has designated LB35 as her personal priority for the session; Senator DeBoer LB35. That's all I have at this time, Mr. President.

**KELLY:** Thank you. Senator Geist would like to recognize Dr. Weiss of Lincoln, Nebraska, serving as the physician of the day. Please stand and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR54. Mr. Clerk for items.

**CLERK:** Mr. President, the first item on the agenda, LB376, introduced by Senator Lowe. It's a bill relating to the Nebraska Liquor Control Act; amends Sections 53-103 and Section 53-101; defines a term; requires a licensed manufacturer, licensed wholesaler, or holder of a shipping license to submit a report and any applicable fees to the Nebraska Liquor Control Commission prior to the sale or shipment of any alcoholic liquor into the state; and repeals the original section. The bill was read for the first time on January 12 of this year and reported to the General Affairs Committee. That committee placed the bill on General File with committee amendments. The committee amendment has since been divided, Mr. President. We are on the third division, which is LB377. Excuse me, Mr. President. We had adopted the third part. We're now on the fourth amendment to the bill, LB596.

**KELLY:** Senator Lowe to open.

**LOWE:** Thank you, Lieutenant Governor. And thank you, Brandon, for the explanation. I was getting worried that we hadn't adopted LB377 yet. So we're on LB376 [SIC] [LB596], which is the vehicle for the General Affairs liquor package this year. For the last several years, the General Affairs Committee has made one of the-- it's priority bills the liquor package and the other a gambling package. We have so far gone through LB376 and LB259 and LB377. So we will be continuing on today with LB596 to authorize a manufacturer or a wholesaler to enter in-- into sponsorship or advertising agreements with certain licensees or organizations under the Liquor Control Act. That is a Senator Hardin bill. We will then continue on to LB667 to authorize wholesalers to implement channel pricing under Nebraska Liquor Control Act, a Senator Hughes bill. Then we have a floor amendment to change

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provisions relating to microdistilleries under the Nebraska Liquor Control Act, a Senator Murman bill. And then finally, we will have AM571. Since an emergency exists, this act takes effect when passed and approved in according to law. So with that, I close my opening.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. Well, I was hoping we had less time on this bill, but seems that we maybe have the whole morning on this. There are a few amendments. There's this amendment AM614, and then there is AM615, and then there is another amendment AM472. And I have spoken with Senator Lowe this morning about these amendments and would really like to-- he would really like us to get to the last amendment. So we're going to go ahead and move through the amendments to get us to the last amendment. And I guess so we'll be voting on some things this morning. Thank you, Mr. President.

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

**HARDIN:** Thank you, Mr. President. LB596 is my bill that was included in the committee package. This will clarify Nebraska law to ensure that liquor manufacturers and wholesalers can engage in sponsorship of various organizations. There are many situations in which a nonprofit holding an SDL seeks sponsorships to support the costs of hosting an event. In the case of liquor wholesalers and manufacturers, such sponsorships are currently suspect under federal statute. While we cannot do anything here about the status of federal law, we'll be joining other states like South Dakota and Minnesota in ensuring that Nebraska law permits the practice on the state level for that time when federal law is brought up to snuff. I've had the pages hand out a brief document that explains the issue between state and federal very well. And if you have any questions, I would direct you to that sheet. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Jacobson has a guest under the north balcony, that's Coral Parmenter. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for motions.

**CLERK:** Mr. President, Senator Lowe would move to amend with AM472.

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

**LOWE:** Thank you, Lieutenant Governor. AM472 makes up a compromise with Senator Murman's LB452. LB452 would allow limited self-distribution

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rights for microdistilleries in Nebraska. This process that we allow the two other Nebraska-based alcoholic manufacturing types, wine and beer, to do. LB452 was heard in General Affairs Committee on January 30. Senator Murman introduced a white copy amendment during the hearing. AM472 uses the framework of Murman's amendment, but makes a few changes. AM472 limits self-distribution to 500 gallons. This change was made to remove the opposition from the wholesale tier and to get within the threshold of the Liquor Control Commission that was comfortable with it. It strikes language found in Senator Murman's AM65 that is found on page 2, lines 10 to 13. That language deals with the wholesaler distribution territories, which is a concept that does not apply within the liquor industry. Distribution territories are something that exist in the beer industry, but do not apply here. Lastly, AM472 strikes language dealing with common carriers. This was done once again to remove the opposition with the wholesale tier from this bill. Ensuring that all three manufacturing types have similar laws just make sense. It is a matter of fairness that we treat different manufacturers the same. It is also an issue of making things easier for the Liquor Control Commission. If we ensure that all manufacturing types have similar but not identical permissions, it makes it easier for the commission to enforce the law, and it makes it easier for companies to operate in Nebraska. AM472 was voted out of committee on an 8-0 vote. I'd like to thank Senator Murman for his willingness to work with the interested parties and to come up with a solution for this bill. And I hope you will vote green on AM472.

**KELLY:** Thank you, Senator Lowe. You're recognized to close on AM472 and waiving. Senators, the question is the-- request for a roll call vote on the adoption of AM472. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch. Senator Armendariz not voting. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad. Senator Day. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach. 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. Senator Raybould voting yes.

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Senator Riepe voting yes. Senator Sanders. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart. Vote is 31 ayes, 0 nays, Mr. President.

**KELLY:** Thank you, Mr. Clerk. AM472 is adopted. Senator Lowe, you're recognized to close on AM614 and waive that closing. Senators, the issue is the adoption of AM614. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 34 ayes, 0 nays, Mr. President, on adoption of the amendment.

**KELLY:** AM614 is adopted. Mr. Clerk for an amendment.

**CLERK:** Mr. President, fifth division. Senator Lowe would move to amend LB376 with AM615, which comprises LB667.

**KELLY:** Senator Lowe, you're recognized to open on AM615.

**LOWE:** Thank you, Lieutenant Governor. AM615 is LB667, introduced by Senator Hughes and allows alcohol wholesalers to use channel pricing for figuring out wholesale pricing structures. And with that, I'd like to yield the rest of my time to Senator Hughes.

**KELLY:** Senator Hughes, you have 9:35.

**HUGHES:** Pretty sure I don't need nine minutes, but thank you, Mr. President. Members of the Legislature, I rise in support of LB376, which will include LB667. I introduced this to address some issues that have arisen affecting the price of alcohol for certain retailers and wholesalers who supply them. Our current law was adopted prior to the existence of new hybrid retailers of alcohol, where you can have a bar inside the liquor store, where a customer can have a cocktail in the store while they shop for their favorite beverage. We also have tap rooms and tasting rooms in grocery stores that also sell alcohol you can purchase and put in your car to-- cart to take home. LB667 updates the law to allow our wholesalers to adapt their pricing in response to these hybrid facilities while ensuring that they are in compliance with the Nebraska Liquor Control Act. This bill allows wholesalers to implement channel pricing, which allows them to charge for a product based upon the type of license held by the retailer and the primary use of the premise on which the retailer operates. LB667 is supported by the Nebraska Liquor Control Commission and is included in LB376. I urge my colleagues to support this bill and advance it, and I yield my time.

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**KELLY:** Thank you, Senator. Senator Lowe, you're recognized to close on AM615. You waive. Senators, the issue is the adoption of A-- request for a roll call on the adoption of AM615. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard not voting. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart. The vote is 33 ayes, 0 nays, Mr. President, on adoption of the amendment.

**KELLY:** AM615 is adopted. Mr. Clerk for a motion.

**CLERK:** Mr. President, Senator Lowe would move to amend LB376 with AM571.

**KELLY:** Senator Lowe, you're recognized to open on AM571.

**LOWE:** Thank you, Lieutenant Governor. I would like to thank Senator Cavanaugh for speeding this along this morning and getting to where we need to be at this point in time. So AM571 is since it's a state of emergency exists, this act will take effect when it's passed and approved into law. NEBRASKALand Days is coming up and they need portions of this to take effect as soon as possible so that they can ensure advertising and making sure they have all the sponsorships they need that will work well with NEBRASKALand Days. With that, I close my introduction.

**KELLY:** Thank you, Senator. You're recognized to-- Mr. Clerk for a motion.

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**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to bracket LB376 until June 1, 2023.

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

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Lowe. It was nice to have a few minutes not talking. OK. So I think we've gone through all of the amendments for this bill that we needed to get through today. And now this is the last thing, AM571 is the last thing that we needed to get to so I wanted to make sure it got on the board. This bill at the start had 2 hours and 53 minutes left. So we will be on this bill for the remainder of this morning. I was listening to Senator Hughes's opening, and I actually want to learn a little bit more about her bill. But-- and I also think that might have been her first time introducing something on the floor. So congratulations, Senator Hughes. You nailed it. OK. So just to anybody who's watching and curious, I am continuing to filibuster everything and take things to the full amount of time and just found my sheet. I had questions for the previous amendments that we voted on, but I didn't want to slow things down, so I skipped over them. But, but I want to thank my staff for coming up with the questions about contracts and agreements and trying to come up with interesting things to talk about. I will admit that I did not go to any fish fries on Friday night for those that were following the fish fry conversation last week. But I do believe that the other Senator Cavanaugh went to the Holy Name fish fry. Yeah, he went to the Holy Name fish fry with some of his kids and, and our wonderful niece and our other brother. I was going to go to the spaghetti feed, but by the time I got home, my kids just wanted to snuggle and watch a movie. And how am I to deny them that? So we did that instead of going to the spaghetti feed. But that certainly is still on my agenda. So over the weekend, I saw a lot of posts on social media, I assume it's not a coincidence, about the movie Mrs. Doubtfire, which is a great movie. It's Robin Williams and he's a dad who has, I guess, lost custody of his kids and he's trying to kind of build his life back. And he gets a job, working as a nanny for his own kids by dressing up as Mrs. Doubtfire. And he builds this great relationship back with his kids. But he does-- his ex-wife thinks that he is the nanny, Mrs. Doubtfire. And I was like, wow, people are really giving this movie Mrs. Doubtfire a lot of love on social media. And then I realized, oh, it's because Robin Williams is in drag. And then somebody posted a list of, like, all the shows and movies that are basically drag, a show that I personally loved, still love, Bosom Buddies. It's Tom Hanks and I can't remember what the other actor's name is, but there are two guys that want to live in this apartment complex, I think, in New York. It's kind of like a dormitory style

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thing and-- but it's all women. And so they have to dress like women in order to have this apartment. I think it was like more affordable and all these things. And so they are cross-dressing every time, every night, like, in their own home they have to-- they have to dress like women in order to maintain their housing. And of course, hijinks ensue and lots of trying to hide that they're men and etcetera. But it's, again, they're dressed in drag. And it kind of just begs this question of what happens, like, in Tennessee? Can they no longer on any network air the show *Bosom Buddies* or the movie *Mrs. Doubtfire*? Because what if kids watch it? They're watching drag. I mean, the TV industry must be in an uproar over this. The movie *Tootsie*, again, drag. Ooh, one of my personal favorites, though *To Wong Foo*. Oh, my gosh. I forgot the whole title of it. It's *Patrick Swayze*. It takes place in Nebraska. *To Wong Foo, Thanks for Everything, Julie Newmar*. That's the movie. It's *John Leguizamo, Patrick Swayze, Julie Newmar, Wesley Snipes, Ruel-- RuPaul, Stockard Channing*. That was a great movie. Yeah. So just interesting conversations on social media about all these shows and movies that have had critical acclaim over decades, like, what does that mean now if we pass these bills? Does that mean that we can't have these things airing on TV anymore, or do they have to be blocked out in the media markets that service the states? I'll just tell you right now that unless they are not age appropriate because of cursing or language, I certainly will allow my kids to watch these things. *The Birdcage*. Oh, my God, *The Birdcage*. Like their whole business is a, I think, a nightclub where there's drag shows. That is another fantastic movie. *Some Like It Hot*, yes. Junior [LAUGH] thank you, Senator Blood. *Big Momma's House*. Oh, there's that whole series of, of *Big Momma*. Oh, my gosh. Is there going to be like a blackout on the media markets? But I got to say, *Birdcage*, like now I just wish I had watched *Birdcage* over the weekend. That is such a hilarious movie with *Robin Williams and Nathan Lane and Hank Azaria*, who is their butler. I'm not really sure, but he doesn't wear shoes and so he, like, falls all the time. And then he has to wear shoes because they're hosting a dinner party and they're trying to present as less themselves. And so they require him to wear shoes. And of course, again, hijinks ensue. But that's a great one. Well, apparently *Robin Williams* has *The Birdcage* and then *Mrs. Doubtfire*. He's got some great critically acclaimed cross-dressing or drag performances. So I also worked at the opera. And whenever I hear about, like, these bills banning drag, now maybe we're not banning it on TV, maybe it's just live performances. But the opera is--

**KELLY:** One minute.

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**M. CAVANAUGH:** --oftentimes essentially a drag show. And as such, I, I don't know if it wouldn't be allowed or underage individuals wouldn't be allowed to attend, but when I worked there, we would have high school students that would volunteer, and then we would give them-- they would be able to come to like the sneak preview, the dress rehearsal, the full run through. And so would that not be allowed? Would that be breaking the law? Would the opera be breaking the law by giving high school students the opportunity to see opera for free? I don't know. Seems like maybe. So I'm back in the queue and I'm locked out of my computer. My ever journey.

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

**M. CAVANAUGH:** Thank you.

**KELLY:** --but you're next in the queue.

**M. CAVANAUGH:** Thank you. Well, since my computer is, it's mostly a paperweight for me, I'm gonna switch to paper. OK. So let's see here, some articles on gender affirming care. Get the Facts Gender-Affirming Care. Everyone deserves to be treated-- this is from the Human Rights Council Foundation. "Everyone deserves to be treated with dignity and respect. But across the country, politicians desperate to gain power and their allies in the media are attacking LGBTQ+ people and making it impossible, particularly for transgender and non-binary youth, to be their authentic selves. State legislatures, governors...administrative agencies across the country are taking steps to eliminate access to gender-affirming care -- medically necessary, safe health care backed by decades of research and supported by every major medical association representing over 1.3 million U.S. doctors. Some are even going as far as to accuse parents who support their transgender children of child abuse." This disinformation campaign is also fueling threats and violence against providers of gender-affirming care, preventing them from supporting the communities they are meant to serve. Attacks on the LGBTQ community continue to gain steam. It's important to get the facts about gender-affirming care. What exactly is gender-affirming care? Gender-affirming care is age appropriate care that is medically necessary for the well-being of many transgender and non-binary people who experience symptoms of gender dysphoria or distress that results from having one's gender identity not match their sexual-- their sex assigned at birth. Gender-affirming care is integration of medical, mental health, and social services. Every major medical and mental health organization recognizes that it is medically necessary to support people in affirming their gender identity. So, seems to be

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something that I have constant conversations about. People ask me about the gender-affirming care bill, and I do think it's really important to understand the medical side of things more, especially when we're legislating medicine. But it's also important to remember that we shouldn't be taking away parental rights in medical decision making and just, you know, think about that. Think about if the state of Nebraska said that all children, regardless, all children had to get the COVID vaccine. I think this body would lose their minds. And I would not support that because as a parent, it is up to me and my partner to decide what vaccines our children will be receiving, what's appropriate and when. We do this in consultation with their medical provider, but it is still for us to do. OK, I'm in the queue. So just your daily reminder.

**KELLY:** One minute.

**M. CAVANAUGH:** That we don't want to be legislating away parental rights in medical care. That is a dangerous precedent to set, one that I don't think that this body agrees to. So I hope that when it comes time to vote on things like that, that we remember our values and that we don't legislate hate and we don't legislate away parental rights. Just because you don't agree with them doesn't mean that you should take them away. I don't agree with people who don't get the vaccine, but I still think you should have that choice. And I would not support taking that right away from you, especially as a parent. So I am back in the queue. I think that's about my time. Thank you.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends, all, I saw Senator Cavanaugh struggling a little bit with her laptop, and I thought she could use some help on some of the movies so I'm going to add to the list. At this time, I stand opposed to the bracket, but I do stand in favor of both the amendment and the underlying bill. So pictures that I would add to that list that we might want to be concerned about, Rocky Horror Picture Show. I don't know. In my generation and younger especially, a lot of us went to Rocky Horror Picture Show a lot. You can look at some kids movies like Ladybugs, where there's cross-dressing. It's a boy-girl thing. Then there's the more adult movie, The Crying Game. She's the man. Remember that kid movie where they-- the girl dressed up like the guy so she could dress, she could try out for the boys soccer team? Our kids are watching that. Connie and Carla, they dressed up like men-- by the way, I love movies in case you can't tell-- because they were hiding from the Mafia. Shakespeare in Love, but we know back in Shakespearean

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times that was pretty normal that the men played women. The Adventures of Priscilla, Queen of the Desert, I think that might be like an Australian film, but I remember watching that one. But then I go back to like when my dad was in high school. My dad went to high school in Clay Center, Nebraska, and it used to be a thing for freshmen that the freshmen had to come to school dressed up as women for a day. They had to borrow their mom's dresses and makeup and shoes. And then let's go to pep rallies, because I don't think we've talked about that on the floor yet. You know, in a lot of pep rallies, the football players dress up like cheerleaders and the cheerleaders dress up like football players. Oh, my gosh. God forbid we should do that. Is that what that bill is going to stop because they're cross-dressing? What kind of message does that give to the other students in that school? It's been going on for decades. The damage is probably already done. So we might want to, like, start keeping an eye on that stuff too. You know, I know people aren't happy-- aren't happy that Senator Cavanaugh is taking time on these bills. And I know lots of times you make it easier on her because you make motions that allow her to have even more time. And I think that's learning the process. And that's actually probably a good experience for you to learn that process. But I don't fault Senator Cavanaugh for doing this. She feels strongly about some of these bills, as many of us do, that have been pushed through. But we have some really good bills that are never going to see the light of day because they can't get out of committee. One really good example that I'm going to stand on real briefly is that we have federal funds that are available to every single state to help every person at every income level save money on their energy bills. We can help people weatherize their homes, be they your grandma and grandpa, your aunt and uncle, your own home, your kids' new home that they just bought as newlyweds. We're leaving money on the table, much like we did when it came to our rental assistance. There have been meetings after meetings after meetings, and Nebraska's NDEE has not been at any of those meetings. Are you guys aware of that? Do you know that our executive branch is totally ignoring the ability that we have to generate up to 10,000 new jobs here in Nebraska by utilizing these funds? I'm guessing nobody does because I find it hard to believe, especially those from rural Nebraska, especially those that have residents that may be lower income, that you would not want these funds available to them to save money. Because when they save money, then they have disposable income. And when they have disposable income, they spend that here in Nebraska.

**KELLY:** One minute.

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**BLOOD:** But I know that it's not going to get out of Appropriations in time for us to send a letter of intent requesting that money by March 31. And so now I'm going to say it on the mike today to remind people that we are indeed writing a letter to the Governor's office today. And we are asking the executive branch today to force NDEE to ask for those funds. Because why wouldn't we utilize taxpayer dollars that have already been allocated for our state for other Nebraskans, as opposed to allowing other states to take our tax dollars? And so with that, I hope Senator Cavanaugh got a chance to take a breath and I would yield it back any little time I have left to the Speaker. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Machaela Cavanaugh, you're recognized to speak. This is your third opportunity.

**M. CAVANAUGH:** Oh, OK. Thank you. And I have a close.

**KELLY:** You'll also have a close.

**M. CAVANAUGH:** Thank you. OK. "Drag show bans sweeping the U.S. are a chilling attack on free speech. The breadth of these bills is staggering and many go beyond their purported goals of protecting children from obscenity." This is an article in The Guardian. "When Bill Lee donned a cheerleader uniform, fake pearls and a wig as part of high school senior antics, he probably didn't think the goofy costume would come back to bite him. But, more than 40 years later, the now governor of Tennessee is at the forefront of efforts to ban the innocent costumes he and his friends once wore, waging a battle that strikes at the heart of our First Amendment freedoms. Since the beginning of this year, at least 32 bills have been filed in Arizona, Arkansas, Iowa, Idaho, Kansas, Kentucky, Minnesota, Missouri, Montana, North Dakota, Nebraska, Oklahoma, South Carolina, South Dakota, Tennessee, Texas and West Virginia targeting drag performances, with "more on the way. Tennessee was the first to pass its bill into law last week, barring adult cabaret performances on public property or in places where they might be within view of children." This is, again, a parental rights issue. The ban among-- The bill bans, among other things, 'male or female impersonators who provide entertainment that appeals to a prurient interest, or similar entertainers'. Violators may face misdemeanor or even felony charges. In Texas, at least four different bills would put venues that host drag performances in the same category as adult movie theaters or strip clubs. Driving support for these bills is discomfort and distaste for expression that defies conventional gender norms. The growth of library Drag Queen Story Hours - programs that feature drag performers

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as a way to provide 'unabashedly queer role models' for kids - have led some to question whether young children should be exposed to those who defy traditional gender patterns. Participation in Drag Queen Story Hours is voluntary - libraries decide whether to program these events, and families choose whether to attend them - but some critics seem to regard their very existence as deviant or dangerous. This reaction is part of a wider backlash against the increased visibility of transgender and non-binary identities. States and communities have banned books featuring transgender characters and prohibited teaching about transgender identities in school. Though the history and cultural role of drag goes "beyond" well beyond current tensions over transgender issues, this form of performance and display has now come into the crosshairs. Drag performances have been targeted with violence and are now the subject of state laws to "submit" laws to limit or even outlaw them. Anti-drag legislation varies from state to state, but tends to share some common provisions. Most bills define a drag performer as someone performing while using dress, makeup and mannerisms associated with a gender other than the one assigned to them at birth." Mannerisms, that seems--

**KELLY:** One minute.

**M. CAVANAUGH:** --vague. "A number of bills include lip-syncing within their definitions and may specify that the person must be performing for an audience." Lip-syncing is in their definitions. So Milli Vanilli had long hair. Would they be-- and they lip-sync. Would they be drag performers? I'd love to unpack that further. "Some bills would designate any establishment that hosts drag performances as an 'adult' or sexually oriented business, often making it illegal for such businesses to be located within a certain distance of schools or residential areas. While the details of the legislation may change from state to state, most of these bills represent a broad and dangerous chilling of"--

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

**M. CAVANAUGH:** Thank you.

**KELLY:** And you're recognized to close on the bracket motion.

**M. CAVANAUGH:** Thank you. And I have five minutes?

**KELLY:** Yes.

**M. CAVANAUGH:** OK. Until June. OK. Well, I started drafting another bracket motion, but let's see here until-- OK. Back to the article.

Sorry, I lost my place on it. Where did it go? Shoot. Oh, there it is. Thank you. OK. "Some bills would designate any establishment that hosts drag performances as an 'adult' or sexually oriented business, often making it illegal for such businesses to be located within a certain distance of schools or residential areas. While the details of the legislation may change from state to state, most of these bills represent a broad and dangerous chilling of Americans' right to free speech. The US supreme court has repeatedly found that clothing choices are a constitutionally protected form of expression under the first amendment." Interesting. "The Tennessee law's reference to 'prurience' - defined as something intended to arouse sexual interest - should limit the sweep of the law so it doesn't affect things like children's story hours. But, inevitably, concerns over the intent and enforcement of the law will cast a chill over shows, jokes or comedy bits that might be anywhere close to the line. That chilling is intentional: by targeting drag performances, lawmakers intend to intimidate transgender and non-binary performers and shows into hiding." So this idea of something that is intended to arouse sexual interest, how does this carry over if that is part of the law, to establishments like Hooters, which clearly the uniform is intended to arouse sexual interest? Now they are not dressing in attire opposite of their assigned gender, whatever that means, because how do we decide what is gender assigned attire? It's become very bizarre. I mean, are pants designated to one gender? Why is that article of clothing acceptable in a nonbinary fashion but dresses and skirts are not? And there are cultures where gender-assigned males wear skirts, kilts and other, sarongs. I mean, you can find men wearing skirts that aren't trying to be dressed in drag all over the world. How do we decide when an article of clothing belongs to a specific gender? Is it if that skirt has sequins, if that skirt is shiny, if that skirt is itchy wool, then it's OK for men to wear it? It's kind of a strange concept.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you. "The breadth of the bills is staggering, and many would risk chilling expression that goes well beyond the drafters' purported goals of protecting children or limiting displays that may border on the obscene. Productions of Shakespeare's plays...As You Like It or Twelfth Night - both" which feature-- "both of which feature cross-dressing characters - could run afoul of some of these bills, as might a singer" performance-- "singer performing the musical version of Mrs. Doubtfire. Sandy Duncan's performance as Peter Pan would be banned under several of these bills. Movies like White Christmas, Tootsie, Some Like It Hot, Bridge on the River Kwai

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and South Pacific - all of which comic performances by men wearing women's clothes - could be off-limits for screenings in" school libraries, "schools or libraries." I am going to pull my bracket motion and start on the next one.

**KELLY:** The bracket motion is withdrawn. Mr. Clerk for items.

**CLERK:** Mr. President, your committee, excuse me, the Executive Board, chaired by Senator Briese, reports LB254 and LR21, LB254 having committee amendments, to General File. LR21 has been reported to the Legislature for further consideration with the following amendments. Additionally, your Committee on Banking, Commerce and Insurance, chaired by Senator Slama, reports LB709 to General File with committee amendments. And your Committee on Agriculture, chaired by Senator Halloran, reports LB116 and LB262 to General File, both having committee amendments. Additionally, notice from Senator Lowe that he's designated LB297 as his personal priority for the session; Senator Lowe, LB297 personal priority. Additionally, amendments to be printed: Senator Lowe to LB775. Mr. President, Senator Machaela Cavanaugh would move to bracket LB376 until March 14, 2023.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I'm bracketing it until pi day. Tomorrow is March 14, 3-1-4, pi. Feel free to celebrate by bringing me pie. Pumpkin is my favorite. I really like pecan. I'm more of a savory, sweet person like dark chocolate. But when it comes to pie, I won't discriminate. If you bring me apple pie, I'm going to eat it. I am American after all. OK. Drag, Some Like It Hot. Let's see here. "Even Governor Bill Lee's decades-old dress-up could lead to serious legal repercussions under the law he just signed, if it were to be interpreted and enforced broadly. If students wore similar costumes today on the grounds of a public high school, and then went on to make a sexual joke in front of a small group, their behavior" could be criminalized, "might be criminalized." Well, that shouldn't be a problem. Teenagers never make inappropriate jokes. "The legislation has even broader impacts for transgender people. Under some draft laws a string quartet with a transgender violinist might not be able to perform chamber music. A trans chef talking about their new cookbook could be restricted to venues designated as 'adult businesses.' It's perfectly fair for parents to want to decide how and when their young children engage with questions of gender identity. But the drive to protect children from witnessing people whose dress defies traditional gender binaries must not become the basis for

draconian restrictions impinging upon" impinging upon "the free expression rights of children and adults...Whether it's youthful pranks, beloved plays, historical costumes or adult performances, the ability to dress up and play characters unlike yourself is core to artistic expression. In the name of curbing drag, legislatures across the country are dragging down first amendment freedoms for all." Yeah. It's interesting, this move of bills that are an attack on the LGBTQ+ community, because with so, so many things, they are bigger government introduced by individuals that purport to want small government. They are getting involved in the personal lives of the citizens for people who want government out of their homes, all because of-- I'm not entirely sure, I could extrapolate and assume-- fear of the other. Fear of the unknown. Fear of something different. But a lot of this really does feel like we are back in the '50s and '60s and talking about segregation and talking about institutional systems of racism. It feels like these pieces of legislation seek to institutionalize and systematize discrimination against LGBTQ+ community. It appears to be an assault on civil liberties for all. And I don't understand it. I've been asked by a lot of mostly reporters, but people too, to explain this, why this is happening, why these bills are happening. And I can't explain it. I don't understand it. I don't understand why after decades of mainstream movies featuring drag, classics featuring drag, why all of the sudden we have to have bills protecting children from drag? I can only assume that it is because of this new movement-- I need to get in the queue-- this new movement to have, like, drag story hours at libraries or bookstores. And, and because there's this audacity to not ostracize people who are different and families wanting to bring their children into these environments that are inclusive, that we then have to have an assault on people who are different. And for me, one of the great things about something like drag for my kids is being a kid is hard. Being in school is hard. You are constantly faced with feeling insecure. I think that's a common thing for most children, insecure about who you are. You're trying to figure out who you are. You're trying to get a better sense of yourself and self-direction. And, and so you're constantly questioning that and, and insecurity really comes into play. And there's this idea of what is normal. Am I normal? Is this normal? Am I being normal? Do my friends think that I'm normal? And the reality is that nothing is normal. I've talked to my kids about this, one of them talking about wanting to be normal. And I've reminded them that when I was in fifth grade, I had a T-shirt that said, Normal is boring. I thought I was so clever, but that's not even true. Normal isn't boring because nothing is normal. When it comes to individuality, there isn't a normal. Just be yourself. And that's the whole point of taking kids to drag shows

or drag story hours is showing them, first of all, an art form, because it is a performance. It is an art form. But second of all, showing them that there aren't boundaries to who you are and who you have to be. I don't want to put boundaries on my kids like that, and I don't want the people in this body to put boundaries on my kids like that. I want my children to be creative thinkers and have loving hearts. And putting restrictions on art forms, arbitrarily restricting an art form, it just hurts everyone. In addition to hurting free speech, in addition to hurting the LGBTQ+ community, you're hurting everyone. Drag shows are an art form. And if you go down the road of banning and blocking one art form, there's nothing to stop banning and blocking another art form. If you don't care for that art form, then do not engage in it. It's that simple. I am not a fan of documentaries. My husband loves documentaries. I'm not a big documentary fan. You don't see me introducing bills banning documentaries. Nope. It's an art form that does not interest me. It's an art form that sometimes the messaging of it, I think, can be harmful. But I'm not going to restrict an artist's ability to do that.

**KELLY:** One minute.

**M. CAVANAUGH:** I just don't have to engage in it. A lot of this is top of mind for me. Well, because it's top of mind. But also, you know, we had the Oscars last night, which is lots of theatrical performances and art forms. And then, of course, everyone on social media showing their love for Mrs. Doubtfire, a classic that hopefully doesn't get banned in the state of Tennessee. I'm not sure how that would work, but I guess media markets. I would love whatever media owns the rights to Mrs. Doubtfire, I would love for them to start, like, running it 24/7. There was one point, this was before, like, HBO was, like, widely accessible and you had to have like a special--

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

**M. CAVANAUGH:** Thank you. So before HBO was, like, widely accessible, my parents didn't have-- we had cable, but my parents didn't have HBO, and we would go to Illinois, where my mom is from for Easter. And we were staying at my aunt and uncle's house, Billy and Lilly, that is-- that is their names, and Billy and Lilly's house. And they had HBO and Groundhog Day was playing on repeat for, like, the whole weekend. And I love the movie Groundhog Day, first of all. But I would love for someone to do that with Mrs. Doubtfire, like, right now. That would be amazing if some national media outlet, ABC, NBC, whoever owns rights to Mrs. Doubtfire, just start playing it 24/7. I would love to see what happens. I really want to know what Tennessee is going to do

about that. Will everyone in the country be able to watch Mrs. Doubtfire on a loop except for the people that reside in Tennessee? This would be an excellent social experiment. So I was going to shift topics because there was a settlement in Juul vaping. So they've had lots of lawsuits. And I, like I said, my mom is from Illinois. I have family in Illinois, and one of my siblings who lives in Illinois works, worked on this lawsuit, and they settled with the city of Chicago. The city of Chicago, not the state of Illinois, the city of Chicago settled with Juul for, I think it was 28 or \$38 million. I don't know the exact number. I'll have to get back on that. And I was trying to see if Nebraska is participating because there is a massive settlement and it says it's been finalized between 33 states. And I don't know if Nebraska is part of the settlement. So we do have the Health Care Cash Fund is part-- it was started and funded by the Master Settlement, Tobacco settlement. We also have Opioid Settlement. And I'm just wondering if we have, but I can't find the list of states, the 32 states. But where's the list of states that have participated in the settlement? It would be great if we have, because that would be funds coming into our state and from a company that was sued. And one of the things that I've heard from several colleagues and I think it is interesting. I don't-- this isn't a value judgment, like, I don't disagree with you. I don't agree with you or disagree with you. I am intrigued by this idea of not doing things because of federal dollars that we don't want to use federal dollars. And I understand and I appreciate wanting to be a good steward of all taxpayer dollars. I very much understand and appreciate that. But the federal dollars are there and available to us. We pay federal income taxes if we pay income taxes, and those federal dollars are going to other states. And I don't particularly care for this idea that my federal dollars--

**KELLY:** One minute.

**M. CAVANAUGH:** --are funding these programs in other states and not my state. But I get it. I get not wanting to participate in more government spending, very much get that, which you will come to realize when we're debating the budget that I don't think that it is the role of government to be funding all these little projects everywhere. I would much rather we have a comprehensive and strategic plan on how to lower our tax rate if we have all of this revenue. But it is-- it's a fascinating concept to me and, and I very much appreciate it. But we do have a responsibility to balance things and we do have a responsibility to the citizens of the state to have some of these programs. And--

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

**M. CAVANAUGH:** And is this my-- what time in the queue is this?

**KELLY:** You'll have this five minutes and your close.

**M. CAVANAUGH:** Thank you, Mr. President. Hard to keep track at this point. So, yeah. So the federal spending, I think Senator Halloran maybe is the senator that has, like, a spending clock, which I don't believe he's passed out yet this year, but maybe he has and I've missed it. He usually-- or emailed it-- what the federal debt is. And I do think as citizens we have a responsibility to be good stewards of taxpayer dollars. As legislators, we definitely have that responsibility. I do think it is-- it is a challenge and it's a little bit of a dance that we need to be good stewards of taxpayer dollars, but we also need to utilize federal taxpayer dollars when possible so that we are not utilizing state taxpayer dollars so that we can work on our tax rate. And that is a dance because you're, you're balancing your own fiscal philosophy with the realities and duties of the job. And that is, it's a dance. So I don't have a [INAUDIBLE] for it, just an observation. OK. Back to the, the opioid settlement and I'm looking somebody, not sure if we have settled. We have. Nebraska is part of the settlement. Thank you to Senator Hughes for that information. Nebraska will receive between \$8 million and \$8.8 million in annual installments between '22-- 2022 and 2027. The settlement also requires Juul to comply with terms that limit its marketing and sales practices. So the settlement is that Juul had their marketing practices were targeting minors, actively targeting minors. And so that is how that came to be. I will be interested to know and I'm kind of looking around to see if Senator Clements, if Senator Clements, at some point this morning, I might ask to yield to a question about the settlement, if he knows where that money has gone. I-- and I'm asking Senator Clements as the Chair of Appropriations that he might have an idea as to where those-- the settlement money is going, if it goes directly to the General Fund or if it's going into the Health Care Cash Fund or if it's going into a different cash fund. I have a bill that increases the tobacco tax and the revenue 50 percent-- so we already have a tobacco tax and the revenue goes all over the place. It is scattershot all over the place. When they did that, I think it was like, who did you need to get on board got a piece of that pie. My tobacco tax increase takes 50 percent of the increased revenue and puts it into a Medicaid cash fund. So when we have all these Medicaid programs that require state funds, we would actually have a cash fund to draw from in those. And then the other half goes to Property Tax Relief Fund. Who doesn't love that?

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**KELLY:** One minute.

**M. CAVANAUGH:** And really, if we needed to, I'd put all of it towards the Property Tax Relief Fund, if that's how we got the increased tobacco tax rate. So, OK, one minute and then I think I have my closing and I have another bracket motion. I'm just going to, like, make a note here. So at 10:30, the HHS Committee I think is having a meeting, an Exec Session under the balcony. So if anybody at all wants to get on the microphone and chat for 15 minutes, three people could do it for 5 minutes starting at 10:30, you'd be doing me a real solid so that I could go vote at 10:30, not now. You don't have to get in now. I've got ten more minutes at least. So just putting that out into the universe.

**KELLY:** That's all the time you have, Senator.

**M. CAVANAUGH:** Thank you.

**KELLY:** Senator Wishart has a guest under the north balcony. Please welcome Molly Leyden, Lincoln Southwest-- Southeast student. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to close on the bracket motion.

**M. CAVANAUGH:** Thank you. I appreciate that. So I'm actually going to. I have another motion here, so I would like to pull the bracket motion and there is a page delivering another motion. Thank you.

**KELLY:** The motion is pulled. Mr. Clerk for items.

**CLERK:** Mr. President, the Health and Human Services Committee will hold an Executive Session at 10:30 under the south balcony today; Health and Human Services, Executive Session at 10:30 under the south balcony. Mr. President, Senator Machaela Cavanaugh would move to recommit the bill, LB376, to committee.

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

**M. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** On the motion to recommit. I'm sorry.

**M. CAVANAUGH:** That's OK. Thank you, Mr. President. Yes. Mr. Clerk just announced the HHS Committee Exec Session. If you want to hand me the announcements, I'm happy to read some of them for you as well. I know that won't be part of the official record, but I can give like, a preview, like coming soon from your Nebraska Legislative Clerk. I am

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going to shift my remarks. So this is now I have ten minutes to open. So now is really like my, my, my plea to some of my colleagues. I am opening on this motion to recommit. And then when I'm done opening, I have to go to the HHS Exec Session. So especially if you have a bill on the agenda in HHS, I would find it very kind of you to punch your light in and chat for a few minutes so that I can go vote for your bill out of Executive Session. Of course, I'm looking at the bills and it looks like a lot of them belong to members of HHS. But still, I'm sure there's somebody who's got a bill on our Exec Session agenda that doesn't belong to a member of HHS. Oh, no wait. I'm reading the wrong part. That's not true. We got all kinds of-- we got all kinds of people's bills coming in HHS. Only half of them belong to the actual members of HHS. Oh, great. Colleagues, if you got a bill coming up in HHS and you need me to vote on it, feel free to punch in and talk for a few minutes so that I can do that. OK. So I'm going to go back to reading some of the testimony from LB574. 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 many of them feeling-- leaves many of them feeling-- no leads 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 parents. And their children or guardians in consultation with their medical practitioners, gender-affirming care 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 transgendered individuals. It is already exceedingly rare and not a best practice for any licensed medical professional to perform genital surgeon-- surgical procedures on transgendered minors. In the rare instance that it may happen, it still 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-- 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 Endo-- Endocrine Society and the American Psychological Association all support gender-affirming care for trans-- transgender youth in consultation with their parents and their

healthcare providers. How is it that the state of Nebraska thinks 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 gender-- 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. How much time do I have left?

**KELLY:** 4:55.

**M. CAVANAUGH:** OK. I'm going to get back in the queue. OK, well, I'm back in the queue and I can see that only one person is in the queue other than myself. So I guess I will not be voting for people's bills in Exec Session, but thanks to my colleagues who are, are supporting. OK. As a lifelong Nebraska resident, I very strongly oppose this bill. This bill has been brought forward out of fear and is a-- is as a-- as a result of the current political climate in our country. This bill will not help Nebraskans or Nebraska parents. Young people in our state who may be struggling to understand their gender identity deserve to be treated with dignity and care by medical and mental health professionals. Every major medical association in our country, the organizations we trust to guide medical practice in every other aspect, all support the critical need for gender-affirming care for young people. This includes the American Medical Association, American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, and even the World Health Organizations. Oh, by the way, you don't even have to talk. If you get in the queue, you can press your light and stand at your microphone silent for five minutes. Senator Erdman did it. So, again, I would really like to attend my Executive Session for HHS. Several of you on the floor right now have bills that need me to go vote for. You can stand silent on the microphone for five minutes. This bill eliminates the possibility of parents making responsible decisions for their children and instead puts our state government in the exam room of every pediatrician in the state. This bill is a gross invasion of privacy and seeks only to harm children by refusing to treat transgender people. Politicians and

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governments do not need to insert themselves into medical decisions being made by medical and mental health professionals and their patients and parents. Banning gender-affirming care for young people will result in higher suicide rates, higher rates of self-harm, and will leave families with trans children without anywhere to run. Please see through this guise of this bill and vote to oppose it. Trust Nebraska parents and medical professionals to have our children's best interests at heart. OK, well, how much time do I have left?

**KELLY:** 2:04.

**M. CAVANAUGH:** Thank you. All right. Well, I'm not going to lie that it is disappointing that only one person is willing to help me at this moment in time. And they benefit from it not at all so. But people don't want to show up. They don't want to show up. I lived in Nebraska for 16 years, moving only for financial reasons. And seeing this bill being introduced makes me disappointed for my home state. The fact that people are trying to restrict others' freedoms is outrageous. To tell a doctor what they can or cannot do in their practice is arrogant and irresponsible. We need to trust doctors to follow their training, knowledge, and experience and to make the best decision for their patients. Strangers should not be involved in making decisions--

**KELLY:** One minute.

**M. CAVANAUGH:** --for others' children. If Nebraska cares for its citizens, their government should reject these kinds of restrictions, not to mention people will leave the state to get the healthcare they need. People will be less willing to stay and less willing to return to raise their children. I will not raise my children in a state with such-- with such a law on their books. Yeah, I'm hearing from a lot of people that if these bills pass, that they are going to leave and I believe them. I believe that they're going to leave. And I believe that we have a workforce shortage. I believe that our economy will take an enormous hit as a result. And I hope that the rest of this body believes them, but. OK. I yield my time. I see that I've got about five minutes that I can run over to the other side and try and Exec on things. But I'll only vote on--

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

**M. CAVANAUGH:** [INAUDIBLE] Thank you.

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

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**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of LB376. I guess I'm opposed to the motion to recommit. And AM571, just so folks know, is the language is: Since an emergency exists, this act shall take effect when passed and approved according to law. So I just thought it'd be good to take a chance, the opportunity to talk about what that is. That's the emergency clause or e clause, as we call it. And that is added to certain bills when there is, as it says, an emergency exists and so the law goes into effect. So normally when we pass regular legislation, here we go. I'll just read it to you in the constitution. No act-- this is Article III, Section 27: Acts take effect three months; emergency bills; secession laws-- session laws. "No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, which is expressed in the preamble or body of the act, the Legislature shall, by a vote of two-thirds of all members elected otherwise direct. All laws shall be published within sixty days after the adjournment of each session and distributed among several counties in such manner as the Legislature may provide." So what that's saying is, normally if we pass a bill and it doesn't have this language in it that we're talking about adding in L-- in AM571 it'll go into effect three months after the adjournment of the Legislature. So this year that would be I think we're adjourning something like June 9 is the scheduled adjournment date, which would essentially mean it'd be about September 9 is when most of the laws we enact this session, regardless of whether they're passed today, while this is on General File, but Final Reading and signed by the Governor today, whether signed by the Governor on June 9, they would go into effect at that point. However, if you pass a bill with an emergency clause and it goes passed through the three rounds of votes and then is passed on Final Reading with the requisite two-thirds of all members, then, and the Governor signs it, that goes into effect immediately, as soon as the Governor signs it. And that, you know, you can go and look, the number of times we do that, we kind of do it a lot. In this particular case, this is an emergency clause that's on a bill that is directing the Liquor Control Commission for the most part-- most of these, the parts of this LB376 really apply to how the Liquor Control Commission interacts with an industry. So it's not creating new requirements on the industry necessarily. It's creating new permissions for the industry and how the Liquor Control Commission interacts with them. So as it pertains to, you know, say, we'll say the example of the fish fry bill, which now I don't remember the bill number or the AM, but we voted on it, I think on Friday or Thursday, which would allow one organization instead of limiting it to 6 SDLs, special designated license, daily licenses, will allow it to go up to 12. So what that means is that

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after that date, whatever date this bill becomes a law, that the-- those entities would now be able to get up to 12 licenses. So it's a new permission for them, a new right, a new opportunity. And, and the Liquor Control Commission has to-- am I reading this wrong? Oh, thank you. LB317 was the original bill. Let's see. LB377 is, yeah, the special designated licenses bill, which I'm in favor of, and AM613 was the amendment. I was in favor of that. But I'm just using, using this as an example as to so from that date forward, somebody who I think this year would have used their six would then be entitled to another six. So all those entities, say that we get this to Final Reading by the end of April and the Governor signs it and so going forward, those entities that had used their six SDLs would probably then be able to get six more.

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you. And I'll push my light because I actually have a lot more to talk about this. And, and so that-- but the reason I wanted to talk about this is, is the mechanism by which these laws go into effect is, I think, a relevant and significant thing that needs to be considered sometimes. In this instance, it is we're putting a requirement on the, the Liquor Control Commission. And, you know, Mr. Rupe is out there in the Rotunda, and I'm sure he can tell you that most of these actually will make it easier for them. This changing this SDL requirement will actually make life a little bit easier for them. The other section, which is, let's see, it was AM470-- no, not AM472. It was the wine distributors. Well, one of these other ones to, I guess we already-- maybe it wasn't on this list, but the ones that allows a--

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

**J. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Raybould has some guests in the north balcony, Girl Scouts from across Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I would yield my time to Senator John Cavanaugh.

**KELLY:** Senator John Cavanaugh, you have 4:45.

**J. CAVANAUGH:** Thank you, Mr. President. So what I was trying to say before I was run out of time there, thank you, Senator Machaela

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Cavanaugh. So again, the wine-- the wine distribution or wine-- special wine license being allowed to get a separate distribution license, I think it's an efficiency for the, the Liquor Control Commission because they won't have as many SDLs to need to issue for that. So these things maybe would cause some efficiencies. But ultimately my point is that there is a requirement. So there is a point-- they point out in here in this-- in the constitution itself points out: All laws shall be published within 60 days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may-- shall provide. So what that means is we pass these laws with an emergency clause and they go into effect immediately. My question is, how do people become aware that that is now the law? So in this instance, this is the commission. Mr. Rupe is here. He's participated in the drafting of these and the coming and testifying. And so the commission is aware of what, what their new obligations to the citizens in the state of Nebraska are. And this is the state's obligation as it pertains to this-- to the citizens. But when we pass emergency-- a bill with an emergency clause that creates new restrictions on the citizens of the state of Nebraska and potentially puts them at odds with the law for criminal or civil liability, and it-- and attaches an emergency clause that, I think it's very important to take a minute to consider what that means. Because on one day, whenever a bill is passed, the next-- and the Governor signs it, then the next day that is the law of the land. And they haven't had the three months to go into effect from the adjournment of the Legislature, haven't had the 60 days to send out those laws to the counties to, to publish them, and they haven't been published in the slip laws or the publications that the state produces after those three months to notify everybody of the change in law. And so I think a lot of times we think we all pass a bill and we think this is a great idea. We're real, you know, we're excited about all of the work that's been done that went into LB376 and the subsequent separate sections of that bill from all the other amendments. And again, I support every part of this bill and sat on the committee and sat through the hearings and heard about why these things are important. But I think this is a good context, the fact that we're adding an emergency clause here, to stop and think and take a look at that section and see how is this going to go into effect? How is the, the agency going to send those rules to the regulated industry? How are the citizens of Nebraska going to become informed that this is their opportunity or this is their right and and when they're adverse to the state? And it is something that needs to be considered whenever we're passing an emergency clause. So I just-- I guess how much time do I have, Mr. President?

**KELLY:** 1: 30.

**J. CAVANAUGH:** OK. I'm probably gonna run out of time. Maybe I won't start this section here. I've got it. There's another section of the constitution that pertains to emergency clauses that I thought would be good to read. But what happens is, you know, when there's an emergency clause on here, it takes the, the two-thirds majority vote. And for those of you who are new here, if we haven't gotten to Final Reading yet, what will, will happen when we get to Final Reading, the bill will be read and it'll have a little e up there and it will take a vote. And if it doesn't get the requisite votes for an emergency clause, so if it doesn't get those, what is it, 33 votes--

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. --then we would take a second subsequent vote where we can pass the bill as is without the emergency clause. So saying that the body of the Legislature determines that this should be the law, but that emergency does not exist. So being-- voting for a bill, you can vote for a bill and saying, I want this to be a law. I just don't think that it should go into effect in-- tomorrow. It should take some time to notify the people of the state of Nebraska that there should be a proper opportunity for the regulated industry to get up to speed, for the regulator, being the department in this case, the Liquor Control Commission, to have the opportunity to inform the regulated industry and prepare for implementation of that law. So you can still think something's a good idea, but be against it being an emergency and therefore vote, not vote for it on the emergency clause, but then subsequently vote for it again or vote for it for the first time on Final Reading after the emergency clause has been stripped and still the law will still go into effect.

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

**J. CAVANAUGH:** Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I just want to stand up, and I believe I will support LB376, to be clear. But over the weekend, there was an issue at the State Pen about a water main break that affected about 600 individuals that are incarcerated there. And I wanted to highlight this because it's, it's something that grinds my gears that

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the department has, you know, deferred a lot of maintenance at the Pen. And in my opinion, the maintenance has been deferred because they want to build another prison, and they want to subject the men inside of our State Pen to inhumane conditions under the guise of, oh, we need a new prison to be built in the state of Nebraska. And I find and I just-- I'm just opposed to it. And I just wanted to highlight that because it's wrong. The department should not be deferring maintenance to the Pen just because they would like to build another prison. Even if we voted this year to build another prison, it would take four to five years for that prison to be on line. So it makes no sense that they continue to defer maintenance on the Pen and do the things necessary to ensure that the men that the state has taken responsibility to incarcerate aren't living in conditions like a Third World country. I think it's wrong. The last time the water main broke, I went down there and toured the prisons and just about every unit I walked through smelled like feces. The men inside had to scoop feces out of toilets just to be able to use the restroom. And we're supposed to think that these people show up to hearings and actually care about the people that they say we're-- they're supervising. But they're deferring maintenance on a prison, in my opinion, to justify the construction of a new prison, which will take about four to five years to be built. So what are we going to do in that four to five years? Are we going to continue to still defer maintenance to the prison and not do what it takes to ensure that the men inside aren't living in inhumane conditions? We have to do something about this. We can't just sit on the sidelines and not highlight these issues just because somebody is proposing a 300-plus-million-dollar prison that is going to cost the state an extra quarter of a million, no, a quarter of a billion for operation costs. We're going to be spending basically \$1,000,000,000 on prisons in the state of Nebraska. And some people are OK with that. But there's no return on investment. People aren't going to be coming out if we don't pass reforms this year. And this is why we really should pass reforms this year. And if you don't like reforms, we should-- we should pass bills that make changes to our criminal justice system, because the way it's been operating for the past 30-plus years is not right. We have to ensure that the men and women inside are getting adequate programming; they're being prepared for success when they are released because, contrary to popular belief, 95 percent of those people are coming back to society. So we can either prepare them for success or we could just keep spending dollars down a dark black hole on prisons and it's not going to work. We have to take a more humane approach to incarceration. It cannot be punitive. It doesn't work. It hasn't worked. Nowhere in this country has it worked. But the rest of the world is doing a better job at us,

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at incarcerating individuals. They don't have the same problems with recidivism and incarceration in other countries because they don't--

**KELLY:** One minute.

**McKINNEY:** --take the punitive approach. So I just wanted to highlight that the Department of Punitive [SIC] Services continues to defer maintenance on the State Pen to try to justify building another prison, in my opinion. And I'll yield the rest of my time to the Chair. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. I appreciate Senator McKinney's comments and I agree with him. So I just wanted to keep the conversation and keep talking about the amendment, AM571, which is an emergency clause, and talk more-- a little bit more about emergency clauses in general and kind of the motivation requirements of that. And so just for those who are just tuning in, emergency clause is a specific language in a bill that if the Legislature, if that language exists and the Legislature approves it by two-thirds majority and the Governor signs it, then that law goes into effect immediately. Without an emergency clause, law doesn't go into effect until three months after the adjournment of the Legislature, which in this case would be a difference between sometime in the next couple of weeks, probably if this bill will go into effect versus September 9, which is a pretty long difference. And we're going to pass a few other bills this year that will probably have emergency clauses. And the language basically is something to the effect of the-- as the Legislature sees that an emergency exists, this bill shall go into effect immediately. And we have that authority to do that. But that section of the constitution includes language about how laws are transmitted to the counties and how people are notified, which I think is an important thing. I can't stress enough how important and I know this is something people maybe would gloss over, but how, you have to think mechanically, how do people become informed about changes in the law, especially when those are laws that are restricting their behavior? So, you know, if we create a new criminal penalty, how does somebody become informed of that criminal penalty, that the conduct that they were doing today that was not against the law becomes a crime tomorrow because of the emergency clause? And so that's, I think, an important thing to consider, because the law, the constitution does include how we transmit laws to the counties. We have 60 days to do that. We have to have a statute on how laws become published and so people become

informed. But when there's an emergency, there's not time to do all those things. The agencies that regulate an industry don't have time to necessarily inform immediately within that day or couple of days that the law has changed. And so how does a citizen become informed of their rights have been restricted? So this is one where this is an example of the industry is actually their rights are being-- the regulation is being relaxed. And so it's a little bit easier to implement. But I just wanted to read this section, the other section of the emergency clause constitution. So it's section or I'm sorry, Article III, Section 29. Legislative authority in emergencies due to enemy attack upon United States. And so there's a whole section here about defining what is an emergency and why it might exist. Now, the question is, is that the type of emergency that is contemplated in the cons-- the previous section and I guess Article III, 27 is the emergency clause for bills. Article III, 29 is the emergency for attack upon the United States. Article III, 28 was repealed, so I guess in 1934. So I don't know what that section is, but my guess is there was some reference to emergency in there that interceded between those two. But ultimately this is laying out-- I'll just read the first section: In order to insure continuity of state and local government operations in period of emergency resulting from enemy attack upon the United States or the imminent threat thereof, the Legislature shall have the power to meet-- and the immediate duty notwithstanding any other provision of the-- to the contrary in the Constitution, to provide by law for: the prompt and temporary succession of powers and duties of all public offices, of whatever nature and whether filled by election or appointment, the incumbents of which, after an attack, may be-- may be or become unavailable or unable to carry out the powers and duties. So it's basically laying out a--

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. --a catastrophic emergency. So that is one type of emergency that is specifically articulated in the Constitution. Article III, Section 27 does not give a definition as to what an emergency is, but it just says: unless in the case of emergency, which is expressed in the preamble of the-- or body of the act, Legislature shall by a two-thirds vote. So I, I do, I guess the reason I'm reading those two in conjunction is I do wonder if the original intention was to have an emergency be anything that we deemed it to be, or if there was some characterization of an emergency that would justify an emergency clause. Obviously, it lays out that we can define anything as emergency if we have the votes to do so. But I wonder about the intent of that and the extreme nature to which the

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emergency clause can be applied by making a change in the law on a day's notice without meeting those other constitutional requirements of--

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

**J. CAVANAUGH:** Thank you, Mr. President.

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

**CONRAD:** Good morning, Mr. President, and good morning, colleagues. I thought I would jump in here just to make a few points and to give my friend and my colleague, Senator Cavanaugh, an opportunity to attend to her duties in regards to an Executive Session as she continues to make good on her promise in regards to how she's navigating this session in regards to some of the significant threats to human rights that are pending before this, this body. First of all, definitely wanted to give a shout-out to the Girl Scouts who are visiting today. I had an opportunity to be involved in Girl Scouts as a young person in rural Seward County. And it was a very fun and very formative experience, and I am forever grateful that I had those opportunities with my mom, with my friends, with the scout leaders, the volunteer scout leaders in Seward, who taught us a lot of really important life examples. And also just wanted to give a shout-out to the Girl Scouts for their longstanding, ongoing commitment to inclusion and diversity and openness in regards to who has an opportunity to participate in, in the Girl Scouts. And they've always been very thoughtful in terms of ensuring that includes gender nonconforming and trans girls and gender expansive girls as well. So definitely want to thank them for being here. Also, friends, wanted to make really two additional points at my time on the mike, and Senator John Cavanaugh, I think, was providing an appropriate kind of legal, administrative kind of overview about where we are in regards to the rules and regs process that might be a part of this or other bills before us and how the e-clause plays in to our legislative decision making and what that means in terms of impact. I wanted to lift up a very interesting piece of legislation that's within the jurisdiction of the Government Committee that Senator Sanders has brought forward that also touches upon perhaps some changes to administrative law and interpretation. If you look at LB43, it seeks to clarify and perhaps change kind of where our state comes down in regards to giving deference to administrative agencies in quasi-judicial determinations and when they're interpreting the rules and regulations before them. It's not exactly in regards to what you typically think as Chevron deference for the administrative law buffs at home that are watching. But it's really in

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that, that kind of broad umbrella. And I think that Senator Sanders has a very interesting idea there in regards to judicial independence and also seeking to maximize the promulgation of rules and regulations and quasi-judicial determinations emanating therefrom to maximize individual liberty. So that was a very illuminating hearing. And I'm hopeful that as this body continues to take up some more issues related to administrative law that impacts the rights of citizens and that Senator John Cavanaugh has been talking about in regards to this conversation, that, that that concept might get a little bit more airtime. The last piece that I want to make, colleagues, at this turn on the mike is, is really to kind of mark where we are in terms of the session and what that means. So we are fast approaching--

**KELLY:** One minute.

**CONRAD:** Thank you, Mr. President. --our 45th day in this 90-day legislative session. Today is day 43 so we're almost officially at the halfway point. And because of that, by rule and custom, there are a host of important deadlines that we've either just quickly passed or will quickly approach in regards to the designation of Speaker priorities and committee priorities and individual priorities. And as is typical in our process, the identification of these priority matters typically kind of sets the stage for the remaining part of the legislative session. And it will, I think, be very instructive to see what shows up on that list for committee priorities, for individual senator priorities, and for Speaker priorities. And as I start to look through the list of priorities that have already been identified--

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

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

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

**J. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Third time.

**J. CAVANAUGH:** Third time. Third time's the charm they say. So, well, first off, I forgot when I originally spoke I am in favor of AM571 to LB376. I think Senator Machaela Cavanaugh earlier today was going through a number of classic films and shows and from Bosom Buddies it was Tom Hanks and I think Peter Scolari was the other gentleman in that show. So I just wanted to make sure that he doesn't go unmentioned. But-- and I-- and I actually I watched The Birdcage this

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weekend. It's a very funny movie. I would certainly encourage people to watch that. So I-- I'm talking about just the considerations, the extra layer of considerations that go into putting a law, having a law go into effect as an emergency. And so that, you know, I've kind of looked. I think we passed something like 77 bills last session that had an emergency clause. And I'm sure that not all of them were things that really needed to go into effect in that quick of an order. And so-- but I think it's important to just consider the difference between how an emergency clause goes into effect when it is in the favor of individuals and as opposed to adverse to individuals. So as a-- so in this case, this is individuals who are applying for liquor licenses. This has to do with businesses that are engaging with the Liquor Control Commission and allowing-- basically allowing the Liquor Control Commission to have, I guess, new-- some new regulation, new opportunities. I would say I guess I'd have to check on this. There's the one section about the label requirements from out of state, and I could probably ask if that has an effective date. So here's another, I guess this is another option for emergency clauses. And so sometimes you have an emergency clause because something needs to go in effect in an emergency, which is the example of the catastrophe. Right? You have things that go into effect because we want to get something done. But there's the other option is we can have an emergency clause that allows it to go into effect, but it has an effective date. So a subsequent-- a date subsequent and a date certain. So you might say a bill would have a section like AM571, which says the Legislature finds that there's an emergency and therefore this bill should go into effect immediately. But the bill itself has internal language that says this bill shall take effect on July 1, 2023. So a date certain by which that this new regulation goes into effect. And what that does is the reason you have an [RECORDER MALFUNCTION] --situation is, say, the Liquor Control Commission wants to make this change and start requiring distributors to register all of their particular products with the state and they want to start-- they, they want to give those entities an opportunity to get up to speed, but they also want to make the rules, internal regulations that would then facilitate the implementation of that rule so you can have an-- the reason for the e clause in that case is they wanted this law to go into effect, say, on the fiscal year or, you know, some other date before the, the statutory three months of, say, September 9. And that gives an opportunity so then you get, you know, otherwise they may have to not implement until the next year, which would be a whole, you know, July 2024. That's the option without the e clause. But with the e clause and the date certain, that gives them an opportunity to get it into

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effect before the three months, but also gives the opportunity to create those regulations to effectuate that program that the bill--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- that the bill sets out. So in this, in this case, that is a good example and so I'll have to check and see if they have an effective date in there for that or if this is going to go into effect immediately. But that's another consideration for bills when people want to see things go into effect faster, but they want to take into consideration the fact of how difficult it actually is to-- for citizens if the law changes on a dime like that, if it changes overnight and restricts someone's rights or it creates new obligations for citizens or for an industry, and those are important things to consider when we're talking about an e clause and making sure that we are not being overly burdensome, but we're not also being reckless in terms of how we are implementing laws that maybe people really want to implement, but we want to make sure that the industry is not harmed by that and that the citizens in Nebraska are not harmed in the, just in the actual implementation of the law and, and by which the mechanism by which the law is implemented.

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

**J. CAVANAUGH:** Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Again, good morning, colleagues. I just ran a bit short in my previous time on the mike and as a professional and personal courtesy to my friend Senator Cavanaugh, who needed to attend an Executive Session to, to carry on some additional dialog this morning. I myself need to attend an Executive Session in just a moment, but I wanted to just continue where I left off. So historically, typically, particularly when there's so many bills introduced as we, as was the case this year, kind of this important focal point, turning point for the remainder of the session comes with the designation of individual Speaker and committee priority bills. That will really set the stage for where we go together in the remaining half of the session. And I want to just provide a request to senators that are frustrated about where we are today, who are frustrated trying to see a path for where we go in the remaining part of this session. You have the power within to decide what those priorities might be. And I ask you to think very carefully about

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focusing on issues that impact our shared challenges related to Nebraska's number one issue, workforce, and looking at solutions attendant thereto: childcare, working families' issues, infrastructure, education, job training, those, I think, that we can find a lot of agreement and consensus to address what pretty much everybody agrees is Nebraska's number one challenge and then figure out how to use this historic, unprecedented amount of fiscal opportunity to truly address those challenges. If you haven't designated your priorities, think carefully. Do you want to choose issues and bills that pour gasoline on this fire? Do you want to prioritize issues and bills that raise serious human rights considerations? Do you want to prioritize issues and bills that undermine our ability to foster a culture of belonging where all Nebraskans belong and have an opportunity to succeed at their highest potential? We don't need to have a multimillion dollar advertising campaign about how great Nebraska is if we don't pursue hateful, divisive measures. If we can rise to the challenge, put aside the loudest voices on each side of the political spectrum and do the work of the people to address the top challenges in Nebraska, we have an opportunity as individuals and as a collective to reset the trajectory of this very session for the next 45 days together. So as I start to look at the list of priorities from individual senators, committees, and then of the Speaker priorities, which will be announced soon, I think it's very, very telling about where senators want to go with our remaining time. Is it addressing top issues related to workforce development that impact the business community, working families, our bottom line and our future or will it be a selection, will it be a clarion call that this body's priorities on nothing more than divisive social issues that impact our ability to conduct the people's business, negatively impact brain drain, and send the wrong message about our beloved Nebraska? Thank you, Mr. President.

**ARCH:** One minute. Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak and this is your third opportunity.

**M. CAVANAUGH:** Thank you. Thank you, Mr. President. And, OK, I think there's some people having Executive Sessions right now so I just want to give the floor a heads up since it's my last time to speak and then I have five minutes to close on the motion to recommit to committee and then we're going to vote on that. But I will just ask for a roll call vote when we get to that point so that you can stay where you are and you can shout out your votes so you don't have to get up and even press your button. Try and keep our Executive Sessions moving forward as much as possible and then I have another motion up after that that

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I will open on for ten minutes and speak my times on that and then we'll probably go to a vote on this whole bill and we might even start on the next bill because I don't think we need to take this to a cloture vote. That's just an exercise in procedural things and that's not really the intention of what I'm doing is taking things to cloture vote. I'm just taking the full amount of time on things, so. So, Senator Lowe, that's also a heads up that you don't need to file a cloture motion. I know that-- you can save that piece of paper, although I have a pad over here if you need it. And we will be getting to Senator Lowe's next bill which I will not be dividing the question on the next one. I know I'm not dividing the question. I've made a commitment and I want to get home today so I have to keep that commitment if I want my ride home. Thank you to Senators Cavanaugh, McKinney, and Conrad for jumping in the queue so that I could attend the Executive Session, even though none of you had bills in that Executive Session so I really appreciate that. Those of you that did have bills in that Executive Session, you're really taking a gamble if you need my vote or not to get your bill amended. And but I did vote to amend in some really great things into the Christmas tree including Senator Holdcroft's bill that I really like. It is the stipend for senior citizens. We are increasing the stipend. And so that was made into the HHS Committee priority bill. So, Senator Holdcroft, thanks for bringing that bill and thanks for your willingness to negotiate with Senator Hansen on that bill. I think we got it to a great place and I was happy to vote for it. I think we got some good things out of HHS today, which is kind of to Senator Conrad's point, there are some really good bills in the body that I think everyone can get on board with, and we should be looking at those and trying to, you know, make people's lives better in Nebraska, try and get rid of some unnecessary regulations and restrictions. And your priority bills are an opportunity to do that, to do some really great things for our state, some really great things. And I hope as everyone is filing their priority bills, that that is taken into consideration. It would be wonderful to use that. I did get a note, and I want to acknowledge, I got a note from my constituent and I actually talked about this constituent last week that they're out in the Rotunda to talk to me, to lobby me on LB626. And I have every intention in going and talking to that constituent, I'm just not right at this moment so I just wanted her to know that I'm not avoiding her, that I will come out and--

**KELLY:** One minute.

**M. CAVANAUGH:** --talk to her. But I'm kind of in the middle of a floor debate so I, I don't mean to put her off, but I just want to, if she

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can hear me sometimes you can't hear out there, sometimes you can, I wanted to make sure that she knew that I was not avoiding her or putting her off and that I will come and talk to her. I appreciate her taking the time to come here. And I assume oftentimes there's other constituents with her, but she's my main point of contact, so. We do have on the DHHS website information about the Opioid Settlement Remediation Advisory Committee and they have monthly meetings. I'm not sure if this is also where our-- well, I'll come back to that. I think my time is about up so I will just yield the remainder and go to my closing.

**KELLY:** Thank you, Senator. Senator Hansen has some guests in the north balcony, fourth graders from Fort Calhoun Elementary, Fort Calhoun, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognize the close on the recommit motion.

**M. CAVANAUGH:** Thank you, Mr. President. OK, colleagues, this is a motion to recommit to committee. Unless you really like our trying to razz Senator Lowe, I would suggest voting against it. And, yeah, I think I'm just going to collect my thoughts for the next motion. So just do a roll call vote, Mr. Clerk. Thank you.

**KELLY:** Thank you, Senator. The question is the motion to recommit to committee. Roll call vote has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Blood voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting no. Senator Conrad voting no. Senator Day voting no. Senator DeBoer. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan. Senator Erdman voting no. Senator Fredrickson. Senator Geist voting no. Senator Halloran. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt. 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 voting no. Senator Riepe. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart. Vote is 0 ayes, 32 nays, Mr. President, on the motion to recommit.

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**KELLY:** Thank you, Mr. Clerk. The motion to recommit fails. Mr. Clerk, for a motion.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until March 15.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, thank you for voting against that. I guess, Senator Lowe, everybody does like you. So that, that's what that vote said to me. I even voted against it. So there we go. OK. I'm going to get back to reading some of these letters from individuals in opposition to LB574. I am a parent of a transgender son and I'm against LB574. Our journey started when my son was 17. Each journey is different and for a legislative body like this to get involved in what that journey and-- to get involved in that journey and set an age at which an individual is able to get the healthcare they need is problematic. This act usurps the right of the individuals and their guardians to seek the care and criminalizes the actions of medical experts. This legislative body does not know better than the medical community about what treatment is appropriate, nor does it know more than the people living this experience and their caregivers. Let me tell you about our journey, Robin [PHONETIC] started-- initially started with us-- initially shared with us that he was nonbinary. Robin was already seeing a counselor and psychiatrist for other reasons and he, myself, and his father and those counselors had many conversations about what these changes meant. We started over two years ago calling Robin by his preferred name and pronouns, asking the school to do so, and initiated a legal name change process. This-- that process happened over the course of a year as Robin grew and began understanding himself. Robin then began identifying more as male and we reached out to the UNMC gender clinic for consultation. To make an appointment, we submitted letters of reference from Robin's counselor and psychiatrist. The gender clinic conducted an assessment, including questionnaires and follow-up appointment with a counselor, all before we visited with a doctor about potential treatment options before any hormone treatments were-- we were told was and was not reversible. When the hormone treatment started, the dosage was incremental with regular blood tests and check-ins with the treating physician. Even now, surgical intervention for Robin is in the future. There are no immediate plans in place for Robin to have any surgery, and Robin will turn 19 this month. Going through this and being in high school was challenging. Homeschooling due to COVID was probably a good thing for Robin, experienced microaggressions of some of his classmates. Robin had significant challenges with his mental

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health to the point of admitting to us that he might harm himself. We were very close to taking Robin directly to a mental health facility. I was on the phone with Robin's school counselor crying as I explained the challenges Robin was facing and my fears for his safety. The research is clear, transgender adolescents struggle significantly and their mental health-- with their mental health as they experienced-- as they are experienced to live in a way that is outside their sense of themselves and attempt to come to terms with coming out in terms of who they are and how they feel. This legislation will only amplify that stress and risk the mental health, even lives of transgender teens trying to find their way at a very vulnerable time in their lives. Ironically, your attempts to just let them grow will be putting them in direct risk of doing just that. This is the next one. I am the father of a transgender daughter and proud Nebraskan, born in Lincoln and raised in Chadron. I am a father who has firsthand knowledge and experience raising a transgender child, understanding and living the true potential consequences of LB574. These consequences will include being forced to leave our home state, proven increased rates of child suicide and depression, the consistent fear of government intervention into our family structure, fear and anxiety that no Nebraska family should suffer, yet being manufactured by such bills as LB574. Conservative values have been prided on limiting government intervention, allowing Nebraskans to decide what's best for themselves and promoting parent choice, i.e. wearing masks, COVID vaccines, academic subjects, etcetera. Specifically stating that medical decisions should be made between the individual and their medical provider and/or parent and their child's medical provider. Governor Pillen stated as well as-- Governor Pillen stated this, as well as many other conservative Nebraska candidates. Please stay consistent. Parents of transgender children should be allowed to determine with their medical provider what is best for their child-- children based on diagnosis, proven clinical guidelines, and peer-reviewed evidence. All major medical associations agree with the standards of care designed for transgender health. Proponents of this bill have discussed overseas research that transition care increase suicide risk but the lead authors of both studies said this misrepresented their findings. The conclusion that cross-sex hormone treatment increases suicide rate is completely wrong, said Dr. Ashman. In fact, transgender youth with access to medical care demonstrated a reduction in suicide, depression, and significant positive increase in mental health. Most notably studied in the January 19, 2023 New England Journal of Medicine article: Psychological Functioning in Transgender Youth After Two Years of Hormones. The process of raising our transgender child should not be confused with the misinformation seen

on cable news. This was not-- this is not a process that started last week, nor is it a process that happened suddenly after our daughter scrolled through the Internet for an afternoon. My wife and I have been consulting with a psychotherapist for multiple years, along with our daughter, helping to confirm the consistency and persistency associated with gender dysphoria. My daughter was not influenced by social media, cable TV, or Internet. Just as a child might be left or right handed, my daughter is transgender. Nothing will change that about her. Most recently, *The Lancet*, a medical journal for child and adolescent health, confirmed that over 89 percent of people who had started gender-affirming medical transition treatment in adolescence continue to use gender-affirming hormones at follow-up during adulthood. To believe this is a social contagion is to believe fiction storytelling and ignore fact-based research. Our family deserves the opportunity to live a fulfilling life in Nebraska. We should not be subject to partisan propaganda and gross government overreach. Please understand that unnecessary bills such as LB574 will have a tremendous negative impact on real Nebraska families. How much time do I have left?

**KELLY:** 3:00.

**M. CAVANAUGH:** Thank you. OK. My testimony is in opposition to LB574. I ask that you give this bill a do not pass. My husband and I are proud parents to four children, one of which is transgender. And our child was telling us from a very young age that they were, in fact, a girl and not a boy. Despite multiple explanations of anatomy and perceived gender norms, I watched my sweet child disappear inside themselves. My four-year-old child asked me, Mommy, if I pray to God, do you think God would send me back as a girl? I realized at that moment this was much more than playing dress up. The process of raising our transgender child has been a process of listening to the consistent and persistent messages our child was sending, both verbally and nonverbally from the age of 18 months. This should not be confused with the misinformation seen on cable news. This is not a process that started last week, nor is it a process that happened suddenly after our child scrolled through the Internet for an afternoon. My husband and I have been consulting with a psychotherapist and medical providers for multiple years, along with our daughter, helping to confirm the consistency and persistency associated with gender dysphoria. We have watched our daughter's anxiety diminish and watched her bloom into who she is today, a fun-loving kid that loves to dance, play with her friends, and go to school. Gender-affirming care is medically necessary care that can be lifesaving for transgender youth. Medical decisions belong to trans youth, their parents, and their

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providers. Supportive evidence-based interventions, including but not limited to mental health counseling, social transition support and hormone therapies greatly improve mental health outcomes for transgender youth. I am a parent that has done her research and know the statistics and facts surrounding suicide, self-harm, poor outcomes for transgender kids youth that are not supported and affirmed. Bills like LB574 criminalize gender-affirming care with [INAUDIBLE],--

**KELLY:** One minute.

**M. CAVANAUGH:** --violates informed consent between a medical provider and parent guardian and negatively impacts the mental health of such youth to include increased depression, anxiety, and risk for suicide. I am not willing to lose my child to suicide. Parents are allowed to consult with their medical providers for best practices set forth by the American Medical Association, American Academy of Pediatrics, and the endocrine society for the treatment of juvenile diabetes. So why would we not allow the same care outlined by these trusted organizations for transgender care? This is not a fad or social contagion. These are kids' lives. Facts are always convincing and the medical facts side with transgender youth. Government intervention in medical capacity without factual support is a gross misconduct of your duty to our state. OK. I think that is-- I'm about out of time and I'm next in the queue so I will just yield my time and start on my next one.

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

**M. CAVANAUGH:** Thank you, Mr. President. OK, this is another letter. Families with trans children do their research. They consult psychiatrists and pediatricians and work with specialists, sometimes for years, making the decision to use medical treatments like hormone blockers. Parents do not just cave when a child tells them about their differences. This is for a family to decide together, not for the government to decide. Children who identify as queer or trans may also be neurodiverse. That makes it easy for people to be dismissive of a child who, for example, has traits of autism that outwardly seems weird or strange. When it comes to queer issues being spoken at, spoken of at school, this is not some contagion. This brings Nebraska into the modern age. Queer and trans adults work at the bank, the grocery store, nonprofits like churches and always have. As teens enter the workforce they will need to be more tolerant of diversity, including work with trans Nebraskans. The Unicameral is making Nebraska less desirable to residents and anyone doing a job search to come here. This is one more thing that will do us harm. OK. This bill

harms-- I'm going to get in the queue-- this bill harms vulnerable Nebraskans, especially children, by taking healthcare decisions out of the hands of families and their trusted physicians and using the heavy hand of the state to enforce ideological norms. It is ironic that immediately after, quote, parents rights bills was introduced to supposedly give parents control over education matters, now our senators are proposing to take away parents rights to support their children and help them access evidence-based healthcare. The authors of the bill may lie if they wish and they-- and say there, there's no good evidence for gender-affirming care. But there is good evidence and it's getting stronger all the time. Young people who seek gender-affirming care go through a process of discussion, social transition, and treatment before any drastic changes are made. Then they have the opportunity to access hormonal treatments if needed and their mental health and a healthy sense of self. Very rarely is surgery used and, again, this is done in consultation with family and providers. This is the appropriate way to assist vulnerable youth whose gender identity does not fully match their physical characteristics and does not match an identity that others have assigned to them, not state-mandated, one-size-fits-all blanket laws that take people's deepest identity concerns and their own healthcare out of their hands and out of the hands of parents who care about their children and want them to live and thrive. This is literally a matter of life and death. All research demonstrates that youth who have access to gender-affirming care and who are accepted by parents and peers for who they are have better health outcomes. All research demonstrates that youth who are supported and provided appropriate, thoughtful healthcare will stay alive. This bill will lead to trauma and even death of vulnerable youth. I assume our senators do not want those deaths on their conscience. I urge all senators to oppose this bill. I've lost track of where I am. How much time and is this my first time in the queue?

**KELLY:** This-- you have 1:20. This is your second time on this matter.

**M. CAVANAUGH:** OK. And so I have one more time and then a close?

**KELLY:** Yes.

**M. CAVANAUGH:** Thank you. As a transgender woman who grew up without gender-affirming care, I'm deeply concerned about the impact this bill will have on transgender children. When I first figured out I was transgender, I was taught to be ashamed of who I am and people would do bad things to me if I tried to do girl things or be feminine even though when I looked in the mirror I saw a girl with a male body. This

did irreparable damage to my self-image and made making friends and having relationships difficult because I could not be free with my feelings, emotions, and fears with family, friends, and even clergy. As a teenager, I was mostly alone because I was fearful people might find out I was transgender if I let them get too close. I found alcohol at 15 and became a binge drinker. I had friends when I drank and could escape my fears about people seeing I was transgender. I continued to binge drink until I was around 48 and my health was deteriorating from alcohol abuse. During the period I drank, I almost died numerous times from alcohol poisoning and drinking while intoxicated. I had brief periods where I didn't drink and tried religion and prayer to fix me as I didn't understand why I had a body that did not match how I felt and saw myself.

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

**M. CAVANAUGH:** Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. So I just wanted to continue my kind of conversation about the emergency clause and so I just was going to point out that it is AM611, which is the section that we've already adopted to this, is that right? Yeah, AM611, that we've already adopted that has new basically requirements for the industry and that section has an effective date, Section 5 of it: Beginning July 1, 2024, prior to the sale or shipment of any alcoholic liquor in the state of Nebraska, each licensed manufacturer or licensed wholesaler or holder of a ship-- a shipping license shall submit to the commission, along with the applicable fee set by the commission not to exceed \$30, a report on the-- on a form prescribed and furnished by the commission. And then it goes on to describe the form. My point about that is that so when we are having a new obligation to an industry, in this case alcohol distribution, that requires some promulgation of rules by the regulating entity, being the Liquor Control Commission, and it requires them to take an affirmative action, we give them a date certain by which to that they have to perform so they can look out in the future, which is actually a year and about a half from now, year and three months, year and three months, three months, four months from now to know that that's their obligation. So they're going to be on notice. It gives the entity, the regulating entity being the Liquor Control Commission, the opportunity to make these rules and to inform those industries and to make this form that shall be furnished by the commission to include these certain things. So it gives an opportunity, an adequate opportunity

for the whole-- for the regulator and the regulated to get up to speed and actually perform this. So if we didn't have that section in here and we have this emergency clause, this would be an obligation of both the regulator and the "regulatee" to do this as soon as this bill is passed and goes into effect because of the emergency clause. And so the fact that it has this date certain for effect being July 1, 2024, that gives us the opportunity, gives everybody the opportunity to understand, to know what their obligations are, to get up to speed, to make the forms, to basically execute this appropriately and properly without having a lot of problems, unintended consequences, shutting down an entire industry, potentially, if we didn't do this right or we did it too quickly. So that's, that is another option with the emergency clause. So you can have, to recap, with an emergency clause a law would go, a law change goes into effect immediately after it's signed by the Governor if it's passed by the Legislature with 33 votes and has the appropriate language which declares an emergency. So it would go into effect immediately. Without that language, any bill that is passed and signed by the Governor that goes into law doesn't take effect until three months after the adjournment of the Legislature, which in this case would be September. So the other option is even in, in both of those cases, you can have a law with an effective date which gives you an adequate opportunity to make these rules and regulations. So even if this bill didn't have an emergency clause, this particular section will not go into effect until July 1, 2024, giving adequate time for regulator and regulated to get up to speed and figure it out. So that's-- I'm just-- when we're talking about emergency clauses, it's good to have in our mind an understanding and perhaps part of the conversation an understanding of how is this going to go into effect? What happens the day this law goes into effect? Is there other work that is required by the regulating entity to make new rules, regulations, forms, to execute that regulation before this can be effectively put--

**KELLY:** One minute.

**J. CAVANAUGH:** --put into effect? Do we need to make sure that there are people who are properly informed that this is a new obligation for them? And so these are all things, questions that need to be considered and understood before we pass a bill with an emergency clause that is creating a new obligation for a regulated industry. So this bill, LB376 in the portion of AM611 has that specific date, effective date for the legislation in there. That's something to consider when we're talking about E clauses as well, emergency clauses, to make sure maybe a bill can go into effect more than three months or earlier than three months after adjournment. But do we want

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it to go into effect the day after the bill is signed? So those are some more considerations. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Machaela Cavanaugh, you're recognized to speak. This is your third time and then you'll have your close.

**M. CAVANAUGH:** Thank you, Mr. President. OK, so this is my third time, and then I have my close and, colleagues, when I close on this bracket motion I'm not going to pull it so we can go to a vote on the bracket motion and then assuming that fails, AM571, and then LB376. So, so that should be in like ten-ish minutes. OK. I marked where I left off from the last reading. So religion, binge drinking, the military, marriage, playing football, getting into fights, and getting tattoos did not stop me from being transgender. It wasn't until I turned 57 and decided that I didn't want to live alone the rest of my life that I found out that being transgender, found out being transgender is and got help. Gender-affirming care saved me and gave me the ability to love myself and, in turn, receive love from others. HRT gave me the ability to feel one with my body and ease the gender dysphoria I have. After two years of HRT and living in my true gender, I was able to meet WPATH standards and get SRS. This is not an easy process as it requires approval from three medical professionals and insurance company review. It's also expensive and most surgeons have long waitlists that average one to three years. Not a quick process and patients have plenty of time to make sure surgery is right. Medical decisions should only be made by the patient, their parents or guardian, and qualified medical practitioners. Gender dysphoria and being transgender is not something we should hide or act like it doesn't exist or be ashamed of. Not allowing children to live as their true selves and get medical help is cruel, inhumane, and may cause loss of life. Transgender children will still exist if this bill is passed, and this bill will only make their lives harder and hatred towards them more acceptable and prevalent. Please stand against ignorance and hate. Show Nebraskans your courage and compassion and vote against this bill. Here's the next one. Nebraska, it's not for everyone is a real-- is really not a good slogan. When this slogan was rolled out, I did not find it funny. I found it offensive and disturbing. Pursuing a law such as this would unfortunately align perfectly with that agenda. If you choose to make this law, many talented, hardworking, college educated, beautiful people I know and their precious children will be leaving our state of Nebraska. I think that is your aim. If you want to end the brain drain and people leaving our state, this is not a good start. If you make this a law, you're choosing exclusive-- exclusivity over inclusivity. You are

choosing government overreach over personal choice and medical decisions. Personal decisions such as they should be left to families and medical professionals with extensive training. This law is out of touch with showing love and acceptance to all. It is extremely hurtful. I believe that gender-affirming care for people under the age of 19 should be a decision made between the transgender individual, their family, and healthcare providers. This is why I oppose LB574. Speaking from personal experience, this bill is completely unnecessary as there are already so many steps you have to go through as transgender youth and adults for the matter. It was easier for me to get a professional tattoo at 16 than it was for me to get access to gender-affirming care at 17 and 18 without this bill in place. The age I started verbalizing I was transgender was 12. I fully social--

**KELLY:** One minute.

**M. CAVANAUGH:** --transitioned at 17. From there, I began the process of my medical transition. I already had a therapist and had to get a different therapist who was even knowledgeable on the subject, which took eight to nine months to even get into. After going to multiple sessions, he wrote my letter to prove my starting hormone treatment-- replacement therapy, HRT. Then I had to wait to get into a new primary care doctor who once again was even knowledgeable on the subject. Once that happened, my doctor and I discussed the process of starting HRT. At this point I had a letter of approval from a gender therapist, my doctor's approval, and my primary patient's consent. I, I myself am lucky to still be alive writing this comment you're reading because I was still not able to start HRT until 19 even after taking all of those steps. That's why I know how detrimental this bill will be if passed. The bad mental health impacts and suicide rates will go up.

**KELLY:** That's your time, Senator. And, Senator, you are recognized to close on the bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. OK, colleagues, so that's pretty much the end of this bill. And when we are done with this, I don't know if we're going to the next bill or not, but we'll vote on the bracket motion, encourage you to vote no on that, and then vote for AM571. I am sorry, I don't remember what it does but I'm sure Senator Lowe will remind us and then LB376. So and then I have a motion on the next bill. I know this is frustrating. It's frustrating for me. It's exhausting and it is time-consuming. But again, that's kind of the point. I made a commitment. I'm sticking by that commitment. I hope that we as a body will come to an agreement and a direction forward. I hope that those that haven't done their priority

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designations yet really take to heart the words that Senator Conrad spoke today. Because it is not our jobs, it's not our jobs to be a nanny state, it's not our jobs to legislate hate, it is not our jobs to get involved in the family dynamic to the level that this year's Legislature seeks to do through several different bills. Taxes, that's definitely our job. We levy taxes. We spend tax dollars. We return tax dollars. That's our job. But these types of things are not our job. This bill LB376, this is our job. This is about different regulation and seeing opportunities to help business in Nebraska, help address some regulations that are either outdated or cumbersome, unnecessary, expand the business model for a lot of entities. Not to mention fish fries in Omaha. But this is our job, LB376 is our job. And, colleagues, you, you do not have to, you do not have to participate in what I am doing at all. But I think I am making it clear to you that I am going to continue doing what I am doing. And just because I'm taking up time does not mean that you, you don't, you can't participate in the conversation. If you want to talk about what's in the bills on the board, you should get up and talk about them. Otherwise, I'm just going to keep doing what I'm doing and that's fine by me. But you shouldn't be scared to take up your own time if I'm taking up time anyways. And I don't just say that because I want to talk less, I'm, I'm happy to continue sharing the testimony of all of the individuals that came to testify and sharing their stories. I'm happy to continue doing that. But, you know, you also can participate in this democracy, in this process. It doesn't have to be just me. All right. Well, I'm going to think-- just leave it there and I will ask for a roll call vote. Thank you, Mr. President.

**KELLY:** Thank you, Senator. There's been a request for a roll call vote on the bracket motion. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman. Senator Brandt. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting no. Senator Conrad. Senator Day voting no. Senator DeBoer. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman. Senator Fredrickson voting no. Senator Geist voting no. Senator Halloran. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no-- Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney

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voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 0 ayes, 39 nays, Mr. President, on the bracket motion.

**KELLY:** Thank you, Mr. Clerk. The bracket motion fails. Senator Lowe, you're recognized and waives closing on AM571. A request for a roll call vote on the adoption of AM571. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch-- Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh (voting yes). Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman. Senator Fredrickson voting yes. Senator Geist voting yes. Senator Halloran. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. 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 voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. The vote is 40 ayes, 0 nays, Mr. President, on the adoption the amendment.

**KELLY:** AM571 is adopted. Senator Lowe waives closing on LB376 to advance to E&R Initial. Roll call vote requested. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard not voting. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes.

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Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. 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-- Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 43 ayes, 0 nays, Mr. President, on the advancement of the bill.

**KELLY:** Thank you, Mr. Clerk. LB376 advances to E&R Initial. Mr. Clerk, for items.

**CLERK:** Mr. President, some items: notice from Senator Murman, he's designated, designated LB810 as his personal priority for the session; LB810 person priority Senator Murman. Additionally, the Urban Affairs Committee has selected LB629 as a committee priority bill; Urban Affairs LB629 committee priority. And Senator Lippincott has selected LB71 as his personal priority bill; Senator Lippincott LB71 personal priority. Senator Dungan reports LB14 as his personal priority bill; LB14 Senator Dungan personal priority. Next bill, Mr. President, LB775 introduced by Senator Lowe. It's a bill for an act relating to the Nebraska Racetrack Gaming Act; amends Sections 9-1103 and 9-1106; redefines a term; changes powers and duties of the State Racing and Gaming Commission; repeals the original section. The bill was read for the first time on January 18 of this year and referred to the General Affairs Committee. That committee placed the bill on General File with committee amendments. I have additional motions pending, Mr. President.

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

**LOWE:** I guess I can still say good morning, Lieutenant Governor and colleagues. And now for something completely different. Today, I'm introducing LB775, the second General Affairs Committee priority package for your consideration. This package contains four bills: LB775, LB72, LB73, and LB232. LB775 is a bill brought at the request of the Racing and Gaming Commission since the voter initiative passed in November of 2020. We have had two years with large, substantial bills to set up the necessary framework for the commission to properly oversee the growth of the racing and casino industries here in our state. LB775 has some tweaks to these laws that, that were expected as

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these specific issues didn't come up until late last year. First, we are updating the statutory definition of licensed racetrack enclosure. Currently, the definition is a premise in which licensed live, live horse racing is conducted. This is clearly insufficient and a new definition is far more inclusive. It states: A licensed racetrack enclosure means all real property licensed and utilized for the conduct of a race meeting, including the racetrack and any grandstand, concession stand, office, barn, barn area, employee housing facility, parking lot, and additional area designated by the commission. Second, we are adding new language to allow the Racing and Gaming Commission to make recommendations on change, changes or additions to the statute in the same way the Liquor Control Commission is allowed to make recommendations to us. Third, we are creating an injunction subcommittee-- excuse me, adjudication subcommittee of the commission and giving them the authority to investigate and respond to the violations of the Racetrack Gaming Act. This subcommittee will function in a similar manner to the board of stewards that exists in statute currently, which responds to the violations of the law and regulations of horse racing. LB775 had three proponents and no opponents at the hearing. It was voted out of committee on an 8-0 vote. The next bill in the committee package-- I will just continue on with the amended bills in the-- in LB775. LB72, the next bill contained in the committee package is LB72, which was introduced by Senator Ray Aguilar, and we hope he is healing up well. So I will go ahead and open on this bill on his behalf. LB72 is a bill that would amend the County and City Lottery Act. This is the act that governs the game of keno. This bill proposes to allow admission costs to any location offering the game of keno to be exempt from the gross proceeds of the game. The definition found in Section 9-606 reads: Gross proceeds shall mean the total aggregate receipts received from the conduct of any lottery conducted by any county, city, or village without reduction from the prize-- prizes, discounts, taxes, or expenses and shall include receipts from admission costs, any consideration necessary for participation, and the value of any free game-- tickets, games, or plays used. LB72 proposess to add language prohibiting gross proceeds from including any admission costs collected at any location where the lottery is also available to the public free of any admission charge. LB72 is identical to LB764 that Senator Aguilar brought in 2022, that was voted out of General File by the General Affairs Committee but did not make it onto the agenda due to time constraints. LB72 was voted out of committee this year on an 8-0 vote. Right now, Fonner Park does not offer the game of keno in its clubhouse because they would have to turn over the revenue raised from admission charges into the clubhouse as part of the proceeds for

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the keno played there. They do offer keno in other areas of the grandstand where they do not charge admission for the costs of entry. LB73 is another bill brought to the General Affairs Committee by Senator Aguilar. This bill proposes to allow funds from the County Visitors Promotion Fund to be used to improve a facility in which parimutuel wagering is conducted if such facility also serves as the site of the State Fair or district or county agricultural society fair. County visitors promotions and improvement funds are governed, governed by the board appointed by the county commissioners. They are required to use these funds to make grants for expanding and improving facilities at any existing visitor attraction or developing, developing a new-- constructing a new attraction. This bill was brought on behalf of Fonner Park, which has not been permitted to use a receipt of these funds because they are a visitor's attraction that accepts parimutuel wagers. Fonner Park is also home to many other events, including the Hall County Fair, the State Fair, the Heartland Event Center, Grand Island Livestock Complex, Association National Agriculture Exhibition Events, and the Fonner Park Campus is one of the most significant drivers of tourism in Hall County. Access to the funds would allow Fonner Park to expand, improve, or construct upon their existing grounds. Hall County is in support of this bill to allow some of these funds to be used by Fonner Park and other, other parimutuel wagering areas. This bill-- sorry-- this bill was brought last year by Senator Aguilar as LB765, and it was also voted out of committee but did not make it to the agenda due to time constraints. LB73 had one proponent and no proponent [SIC] testimony. It was voted out of committee this year on an 8-0 vote. I will yield the rest of my time on LB7-- LB232 to Senator John Cavanaugh.

**KELLY:** Senator Cavanaugh, that's 2:48.

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Chairman Lowe. And thank you for your work on the, in the General Affairs Committee, in general, and on this bill specifically. So LB232 is similar to a bill that I brought last year and made it to the floor and didn't, I think, get the time to get debated on the floor last year that LB232 and as amended with AM579 allows for on-premises digital or remote keno. So what it allows for is in a facility that has keno they can opt to sell the tickets by a, an app on a phone only inside of the geofenced area inside of the bar or establishment. And the-- this, this bill is a result or the amendment is a result of a compromise that takes into account the constructive criticism of the folks who came and testified in opposition. There was some concern about basically allowing people to attach a debit card to this account and run up a huge amount in a day so we have limited the total dollar amount to \$200 per day for

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that. So this, this would just allow operators, casino-- keno operators to not require someone to come up to the counter for every interaction, they can still, they can buy their ticket at their table at a bar or something along those lines and continue to operate. This is, you know, keno, this bill came about originally because the keno industry was facing losses and as a result of expanded gambling in the state and the folks who came in support of this bill are a lot of cities,--

**KELLY:** One minute.

**J. CAVANAUGH:** --municipalities in the state that rely upon the funding for this to do certain things like park updates or other, I guess, goodwill projects in the city. So I think that covers the basis of LB232 and AM579 and AM709. Thank you, Mr. President.

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

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until March 15.

**KELLY:** Senator Machaela Cavanaugh, you're recognized to speak on the bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Sorry I wandered off. I thought maybe we were adjourning. Yes, I bracketed this until, when did I bracket it until, March 15. So, OK, I put my stuff away. Let me get it back out. I did honestly, genuinely think about, like, attempting to just do 45 minutes of not talking today and see how that went. But I didn't think that that would be right, that would be kind of disrespectful to the process. So I didn't do that, even though it's clear now that, that is not dilatory. So if I happen to, and I hope I don't, get strep throat again I might do that. But for now. OK, let me see here. I already read that one and I think I read that one. I read that one. Sorry, I was trying to keep track of the ones that I had read versus ones that I hadn't read. That was that one. I have-- OK, if somebody could slip me a piece of paper that says what time we're adjourning that would help inform what I'm doing. OK, so next one. I am a resident of Omaha, former elementary school teacher, and mom to two young boys. I believe in a Nebraska that is equal to all, a place where we can live, work, play, and grow without discrimination. This is why I urge you to oppose LB574. LB574 would prevent youth from seeking a sound and safe healthcare specific to their individual needs, including gender-affirming care. Each child and every family deserves to have access to safe medical and mental healthcare without

the fear of their provider or family member being punished. Moreover, every child deserves the opportunity to be who they are without the judgment of the greater community, but with the support of their community. I want my two children to grow up in a society that comes together and supports each other, a place that allows children to be who they are and embraces their individuality while also providing the healthcare they need. I think we all want our children to be completely confident, expressing themselves and showing the world who they are. This bill has the ability to greatly harm the future of my young developing children, as well as exclude and discriminate many others in their families from the healthcare they seek. In addition, I feel strongly that this bill has potential to further discriminate and ostracize already vulnerable students in school settings. Nebraska thrives when everyone can show up as their full selves, and this bill would harm this goal. Please oppose LB574. Just making sure I'm in the queue since I'm not sure how long we're going. So I took a look at what we have, what people have designated as their priorities, and I got to say I, I, I, I get it, I get it that you're not, like, listening to the things that I'm saying every day on the mike. I get that but, man, you are not listening, colleagues. You are not listening, the priorities that are being selected are just reinforcing the need for me to continue doing this. It's, there is so much money right now. So much money and we could be talking about, about that. We could be talking about tax cuts, tax credits, tax incentives, but people are prioritizing, like, just big government invasive into the people of Nebraska's homes type of legislation. And I just, I'm not sure if I should take it as a compliment, like, you want me to keep talking for the rest of session. You want me to take 7 hours and 45 minutes on every single bill. Is that what we're doing? Is that why we're prioritizing the things we're prioritizing? Because I will, I will do that. I honestly was hopeful because people have been coming up to me trying to engage, trying to have conversations, like, what can we do? How can we move things forward and start getting things done? And I'm like, yes, yes, let's have those conversations. Colleagues, let's have those conversations about how we can move things forward and get things done. And then I see what you're prioritizing. And I'm like, oh, darn it. Well, that's not going to happen. It's not going to happen. We're not going to move things forward. We're not going to move things forward. We're going to go slow on everything and it is frustrating, it is frustrating. I really thought, like, maybe by the end of this week we will be at a point of understanding as a body. Maybe we will have a plan and a vision collectively as a body as to how the rest of the session is going to go. We're almost to the halfway point. I think that's Wednesday is the

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halfway point of the session and I thought maybe by then, maybe by the halfway point, we will collectively have come to an understanding of how we want the rest of the session, the second half, act two, how is that going to look? But then I see the priorities that are being put in today and I'm, like, oh, act two is going to look a lot like act one. Darn it. Darn it. Well, Nebraska, your Legislature keeps speaking. I am a voice of one. It is unfortunate, but this voice of one is going to keep being a voice constantly, every day, full time. Please, please do better by the people of Nebraska. Please prioritize things that make people's lives better. Please, colleagues, please be better and do better. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Bostelman has a guest under the south balcony. That's Pam Langewisch. Please stand and be recognized by your Nebraska Legislature. Senator Brandt has some guests in the north balcony, they're fourth to seventh graders from Bruning-Davenport. Please stand and be recognized by your Nebraska Legislature. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Good afternoon, colleagues, and good afternoon Nebraskans. I'm still hopeful for a resolution or a way to get back on track after what Senator Machaela Cavanaugh has been talking about for the last several weeks, after we saw how likely it was that the bigoted, hateful, anti-trans bills that were introduced by Senator Kathleen Kauth were likely to move forward. We know that one of those bills has a priority. I'm hearing a rumor that, that Senator Clements is likely to prioritize the sports and spaces anti-trans, bigoted, hateful bill. And if that happens then, yeah, this body has made its intentions completely clear regarding what Senator Machaela Cavanaugh and I and Senator Conrad and Senator John Cavanaugh and many others in this body have said is frankly a line for us. It's a boundary for us. And I think that all of this can be rested squarely at the feet of Speaker Arch, who has not exercised leadership in shaping the agenda that we're discussing here in the body. I think in the past, whether that was from Speakers or from committees or from committee Chairs, particularly, and we have a-- especially a, a particularly inexperienced cohort of committee Chairs this year. So it could be that our norms are changing and we're having new norms now or it could be that norms are being deliberately ignored or it could be that there's just ignorance about the norms and traditions that we have in this body because of the inexperience of our leadership. But there used to be a lot more gatekeeping when it comes to which bills came out of committee, which bills were serious contenders for priorities, and which bills were delegated, rightly so, to the back bench, which bills were considered extreme or radical, introduced by a

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radical partisan senator, or not doing anything to further the shared goals of this body. And colleagues, what are our shared goals in Nebraska this year? I listen to the business community. I listen to the people who, you know, contribute to this economy that we're in here working to build. And that issue is workforce. It's issues like attraction, retention of talent. It's issues like brain drain. It's issues like keeping enrollment high at our state land-grant university. Enrollment at the University of Nebraska is down. And as enrollment goes down and their revenue goes down, what do we have to do in the Legislature with the resources that we have as a state, we have to continue to fund them. So that presents a challenge for us in this body. Everything that we do going forward as a State Legislature it can't be about playing to anybody's base on the left or on the right. It can't be about revenge or pettiness. It can't be about getting your way. It can't even necessarily be about what your party leaders are telling you as part of the platform, what your party leaders are telling you, you need to come in here and do. It needs to be about working toward our shared goals that we all have of improving quality of life in Nebraska and bolstering our workforce so we can continue to grow our economy--

**KELLY:** One minute.

**HUNT:** --and compete with other states. Thank you, Mr. President. And actually compete with other states that are fighting for the same talent that we are and we see the talent in Nebraska going to other states. In my child's cohort and classroom, he doesn't have very many friends at all that really want to stay in Nebraska. I'm, I'm having the same experience in my workforce at my business. I run a, a stationery shop. I've always been a little boutique owner. I've always done small retail my whole adult life and in my career and the people who work in my store say the same thing. You know, I've probably had, not probably, I can actually tell you factually, not probably, I've had over the last ten years maybe 22 employees and all but one of them--

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

**HUNT:** --still lives in Nebraska. Thank you, Mr. President.

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

**CLERK:** Mr. President, your Committee on Judiciary, chaired by Senator Wayne, reports LB328, LB757, and LB779 [SIC--LB799] to General File; LB328 and LB779 [SIC--LB799] having committee amendments.

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Additionally, notice of committee hearing from the Government, Military and Veterans Affairs Committee. Notification from Senator Murman that the Education Committee has prioritized LB705 and LB385 as committee priority bills; Education Committee committee priority bills LB705 and LB385. Additionally, notification from Senator McKinney that he's designated LB631 as his personal priority for the session; Senator McKinney LB631 personal priority. And Senator Briese designates LB684 as his personal priority; Legislative-- excuse me, Senator Armendariz has submitted Senator Briese's bill, LB684; Senator Armendariz personal priority bill, LB684. Name adds: Senator Hardin added to LB100, Senator Dungan to LB169, and Senator Hunt to LB176. Senator Holdcroft, priority motion, Senator Holdcroft would move to adjourn the body until tomorrow, March 14, 2023, at 9:00 a.m.

**KELLY:** Thank you, Mr. Clerk. The question is, shall the Legislature adjourn for the day? All those in favor state aye. All those opposed say nay. We are adjourned.