

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 28, 2023

HANSEN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-first day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Pastor Scott Bruick from St. John Lutheran in Seward, Nebraska, Senator, Senator Jana Hughes's District. Please rise.

PASTOR BRUICK: Let us pray. Gracious God and Father, Lord of all Creation, we give you thanks and praise for the night's rest and for the gift of this new day. By your mercy and grace, help each one of us to use the hours of this day and the gifts that you have given to us, to your glory and in service to our neighbor. Bless all who serve in this Chamber and those who assist them. Today, Lord, grant them the wisdom that is needed to serve well the citizens entrusted to their care. For those at the beginning of life in the womb to those entering the twilight of their years, grant them a concern for all, that no one has neglected the rights due to them or the freedoms secured for them. Grant them prudence so that they are slow to give judgment, while being ready to hear, listen and learn from one another. Grant them a spirit of unity, in order that the welfare of the citizens of the state is expedited. Grant them a proper understanding of absolute truth, in order that one's own preferences does not bring about a rule of law. And grant them the willingness to forgive when, in their debating, offense is given or is taken. Bless our Governor and his staff with these same gifts: wisdom, concern, prudence, unity, truth and forgiveness. We pray the same for all who serve our nation, at the federal level and for all governmental leaders around the world. Today, we also lift before you the community of Nashville, Tennessee. Hold them in your mighty hands. Hold those who grieve, those who responded and those who must now lead. Heavenly Father, at the close of this day, grant all who serve in the vocations of public office your peace, the peace that no law can provide, the peace that comes only from your son, Jesus Christ, Lord and Savior. In His name we pray. Amen.

HANSEN: I recognize Senator Kathleen Kauth for the Pledge of Allegiance.

KAUTH: Colleagues, 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.

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HANSEN: Thank you. I call to order the fifty-first day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning.

HANSEN: Thank you. Are there any messages, reports or announcements?

CLERK: I do, Mr. President, New A bill, LB35A, from Senator DeBoer. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB35. Additionally, LB753A, from Senator Linehan. Its bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB753. It's all I have this time, Mr. President.

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

CLERK: Do you want to do announcements first? Announcements first?

HANSEN: I do. Yeah. All right. Actually, on a side note, we would like to welcome Dr. Theresa Hatcher, from Senator Vargas' district, sitting underneath the north balcony. If you would please stand and be recognized. And on a side note, the cookies being handed out are in honor of Senator Frederickson's birthday. Happy birthday. Senator DeBoer, for an announcement.

DeBOER: Colleagues, today is a special day. I would like to note that on this day in history, a statesman was born. He is a, a leader in areas of mental health, in business and also, natural resources and a devoted husband and father and a --an amazing friend and an enviable colleague. It is our very own Senator John Frederickson's birthday. Happy birthday.

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

CLERK: Mr. President, Senator Erdman would move to suspend the rules, specifically, Rule 2, Section 2; Rule 3, Section 4(f); and Rule 7, Section 6, to provide that, for the remainder of the One Hundred Eighth Legislature, First Session, only one motion to postpone to a

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time certain, to commit, or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition.

HANSEN: Senator Erdman, you are now welcome to open. You have 10 minutes.

ERDMAN: Thank you, Mr. President. Good morning. So today I bring you a rule change, an opportunity for us to change the rules, to proceed with doing the work that we were sent here to do. Let me read what we're going to try to do, what the, what the rule change is going to be. And then I have a few comments that I would like to make. And then I will yield some time to Speaker Arch, for his comments. So this motion is to suspend rules-- the rules, Rule 2, Section 2; Rule 3, Section 4(f); Rule 7, Section 6, to provide for the remainder of the One Hundred Eighth legislative session-- First Session, only one motion postponed to a time certain, to commit, or to postpone indefinitely shall be offered on the same day at the same stage of debate of the bill or proposition. Here's what this will do. If adopted, this motion suspends the rules pertaining to the process for amending the permanent rules of the Legislature. That's Rule 2, Section 2, Rule 3, Section 4(f), and would put in place the change to Rule 7, Section 6, to limit the members of the Legislature to offer a motion to bracket to a time certain, a motion to commit-- recommit a bill to committee and a motion to postpone indefinitely and-- on-- only once each day at each stage of debate. We are not prohibiting the use of these motions. We're just limiting to once per day on each stage of debate. Why do I offer these rule changes? This proposed rule change is similar to a rule change that came before the Rules Committee at the beginning of the session. The Rules Committee, at that time, chose not to include the change in the rules proposal package, but I'm sure we would have, if we had foreseen the extent this rule would be relied upon this year, as we continue debate on the floor. So this has been used as a delay tactic and not a sincere attempt, attempt to bracket, to recommit or IPP a bill. The fact that the rule change was introduced, in January, to the Rules Committee, indicates the issue of senators abusing the rule is not a new one. This proposed rule change does nothing to take away or limit a member's right to filibuster a bill. What this proposed rule change will do is help focus the debate on the bill before us, not the tactic in using procedural motions to delay. Although this proposal will not limit-- also, this proposed amendment will not eliminate the practice-- this practice altogether, but puts limits on it. Using multiple procedural motions on a bill to talk about another bill is not a way a Legislature should operate. This rule is currently written-- as this rule is currently written, and it allows that to

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happen easily. And that was a great example of that, last Thursday, when there were 15 bracket motions in a row. That limited everyone else that was in the queue. And when I looked at the queue, when those motions began, there was 30-plus people with their lights on. So it eliminated those people having an opportunity at all to speak. The proposed rule change will still allow a one-time offering of each motion on the same day at the same stage of debate. By allowing the motions to be used once, once each day, the proposed rule change will continue to ensure a senator can seriously debate the value of getting a bill off the agenda by bracketing, recommitting to committee or indefinitely postponed. As Speaker Arch mentioned Friday, there is a balance between allowing opponents of a bill to adequately express their views and debate and the ability for a Legislature to work efficiently. You, in this body, all of us in this body have worked hard and long on bills that we have worked on for a long time. Those bills are in jeopardy of not even coming to the floor this year because of what has happened in the first 50 days. It is time for us to move on. I think this rule change is a fair rule change, so that we can have full and fair debate on the bills, as presented and we move forward with doing the work that the people sent us here to do. I would encourage you to vote for this. Now, what you will hear today, probably-- I'm just making an assumption. You will hear that we can't do this in one motion. You will hear that we can't do this because we've not done this before. And you will hear all of those excuses as to why we shouldn't adopt this rule change. But what I'm asking you is, if you like the way things went the first 50 days, then vote against this rule change. If you'd like to get your bill to the floor and get it passed, then vote for this rule change. It's very simple. It's a up or down vote. This is not amendable. It's not divisible. We will vote on this rule change just as it is submitted today and I would encourage you to vote in the affirmative. I yield the rest of my time to Speaker Arch.

HANSEN: Senator Arch, you are yielded 4:35.

ARCH: Thank you, Mr. President. And thank you, Senator Erdman. I do, I do rise in support of this rule suspension and, and the action. So I want to talk about a number of things as-- before we begin our debate. One is the purpose of the rules. And I think it's important to remember that the rules belong to us, as the Legislature. Mason's Manual says the purpose of rules is to aid a body to perform its duties more efficiently and with fairness to its members. If a rule conflicts with how a legislature wishes to proceed, a legislative body is well within its rights to alter a rule to efficiently conduct business. Assuming that the legislature is acting within the confines

of the state constitution, it has complete authority over-- complete authority concerning its procedure. Another piece of Mason's legislative manual, in Section 1, The Necessity for Rules of Procedure. Section-- Section 1(3), rules of procedure fulfill another purpose in protecting the rights of members. Individual members, for example, are entitled to receive notices of meetings and the opportunity to attend and participate in the deliberations of the group. Minorities often require protection from unfair treatment on the part of the majority. And this next sentence, I think, is equally important. And even the majority is entitled to protection from obstructive tactics on the part of minorities. I think that this, that this rule change is an attempt to strike the balance that, that I mentioned on Friday, that Senator Erdman just mentioned now, that balance between efficient flow of the bills and protecting the rights of people to, to object to the bill. The third thing I want to talk about is this issue of suspending the rules. And I know that there are some questions about, you know, can the rules be suspended for more than a day? But I, I want to clarify that. We are suspending the rules to amend the rules. Once that is accomplished, the rules are no longer suspended. Everybody understand that? We're suspending the rules to amend the rules. And once that's accomplished, the rules are no longer suspended. This suspension is only for today. What is being suspended is a requirement for a hearing on a rules change. It also does not obligate future Legislatures and it terminates at the end of the session. Fourth point: clarification of the intent of the change. There's-- I think there's, there's some questions, as well. But Senator Erdmann said it: all three priority motions can be introduced, but not, not just one of those priority motions, but all three can be introduced, but only once. And so, it's not like only one of those priority motions can be introduced. And I just wanted to clarify that. Third question: can a body suspend a rule and take a separate action in the same motion? And I, and I, I want to point to a couple of examples of, of this has been done by this body. In 2021, Senator Halloran introduced LR14, calling for a constitutional convention. Senator Flood made a motion to suspend Rule 3, Section 20(d), so as to provide that LR14, quote, not stand as indefinitely postponed. The body adopted the motion. And with that vote, the bill was moved from IPP to being revived and sitting in Government Committee. So in, in other words, there was no subsequent action necessary. It was all one motion. It was a motion to suspend and then, and then to pull that and pull that IP off that bill. It was all done with one single motion. Second example, the motion to suspend the rules and IPP bills amended into other bills has been a part of our sine die motions for the odd

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number sessions, since 1999. So here's the motion: to suspend Rule 6, Section 3 and 5, and Rule 7, Section 3 and 7--

HANSEN: One minute.

ARCH: --to indefinitely postpone the following bills, whose provisions have been included in another enacted legislation-- and then, it enumerates the bills. So in other words, again, the motion to suspend to accomplish this act. And we do that every year at the close of the odd number of years of the session. So with that, I would simply say I don't believe the question is can the body take this action? But the question is before us, should this body take this action? And that's a legitimate question. So I think-- I believe that the question of should is the question to be debated, going forward, but the question of can, I think, is clear. Thank you, Mr. President.

HANSEN: Thank you, Senators Erdman and Arch. With that, Senator Conrad, you're next in the queue.

CONRAD: Thank you, Mr. President. And good morning, colleagues. Look no further than this morning's Journal Star and you will see the headline, which says, Rules Proposal Problematic, in big, bold type. Read the story further. You will see this crude attempt is defined as unprecedented in the Nebraska Legislature legislative history. So to my friend, Speaker Arch's position, can we. Yes, we do have the ability to set the course in terms of process. Should we? No, we should not. But what he conveniently left out, which is critical and to the heart of this matter, is how we go about it, because process does matter. Senator Erdman, my friend, Senator Erdman, chair of the Rules Committee, has filed what is a crude attempt, kind of based on a pre-cloture type of opportunity in the historical record, to stop debate. So, number one, it's already inapplicable to the present context, because we have a cloture rule which has changed that process. Additionally, this motion, which is masquerading as a rule suspension, conflates the existing history and the rules on their face and the understanding from Mason's and really, contains four distinct proposals. One, to suspend the rules. Two, to suspend the rule amendment and the committee hearing process. And don't gloss over that, friends. We know, when we seek to amend the rules, when we introduce a bill, it is subject to public hearing. This circumvents the will of the second house. It circumvents our process. And don't forget for a moment, hundreds of people turned out to our rules process hearings at the beginning of the session, because they care about this institution and wanted to weigh in. So Senator Erdman says we don't need a vote, we don't need to have a public hearing. We don't

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want the input from the citizenry, because they probably wouldn't like the result. Number three, this seeks to amend the permanent rules regarding priority motions to a new rule of procedure. And number four, it suspends beyond one legislative day to the remainder of the session. Can you suspend the rules? Absolutely. Do we need to have that safety valve? Absolutely. It comes up in the context-- we've used it a couple of times, sparingly, inappropriately, this session. And I'll refresh your recollection, recollection to that regard. A gubernatorial appointee couldn't make it to their public hearing. So we had to suspend the rules in regards to the notice to reschedule that. Those are the instances where you use a rules suspension, not because you have sour grapes about how people have utilized the rules to organize debate. And let's be clear about that. Emotion strategy has been used in the history of this body, in a variety of different contexts. And it had to be utilized last week, in regards to organizing debate, because every time the attempts [INAUDIBLE] the minority attempts to engage in the process, Senator Erdman and his allies quickly call the question, when the queue is full, when we're trying to engage in deliberative, serious, robust debate. So the tyranny of the majority, again, it's not enough to win. It's not enough to win. We have to silence, we have to throw away the institution. We have to throw away the rules that you unanimously adopted and agreed to, about 50 days ago. And this is not necessary, from a legal or policy or practical, practical standpoint. There's no need to break precedent. The result, if adopted against the history and practice and tradition and spirit--

HANSEN: One minute.

CONRAD: --and intent of our rules, will not save time, will not bring your bills to the floor any more quickly. A filibuster will flow like water around the existing rules that you put forward. Senator Cavanaugh reached out to Senator Erdman and Senator-- Speaker Arch and said, if you're upset about it, we will come to an agreement and not utilize it. They, they pushed forward. They're not interested in consensus. They're interested in a punitive attempt to, again, silence the majority, like I was silenced in committee and y'all sat there, as senators come to committee and refuse to answer questions, as you cut off the voice of the second House at the hearings. And now, you cut off their representatives' voice and ability to use the rules that you agreed to, because you have sour grapes about how the rules were utilized last week. I have a lot more to say on this, Mr. President. But be clear, colleagues. This is--

HANSEN: That's time, Senator.

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CONRAD: --problematic and unprecedented. Thank you, Mr. President.

HANSEN: Thank you, Senator Conrad. Senator Moser, you're recognized.

MOSEER: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Well, so begins the discussion of the future of this legislative session. This rule suspension is unprecedented. That's true. But the actions concerted by some members of opposition to LB574, last week, was unprecedented, also. It eliminated the possibility for supporters of the bill to speak, because there were, in the teens, priority motions that preempted the supporters of the bill from speaking. Much has been trumpeted in this body about George Norris and his spirit in putting together a Unicameral. I believe, when George Norris envisioned this, he thought we would move forward with one, more unified purpose and, and a higher calling, rather than using the one house system to try to dominate the discussion of bills. The-- this rules change will not stop filibusters. You can still filibuster, but it will even the scale, so that each side can enter into debate. It would, it would rule out the kind of maneuver that we had last Thursday, where, I believe, it was 15 priority motions were entered, in a concerted effort by one side of an issue, to dominate the debate. That was not in the spirit of George Norris. That was not in the spirit of collegiality. That was not in the spirit of helping move forward the goals of the citizens in Nebraska. Thank you.

HANSEN: Thank you, Senator Moser. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. So, I rise in opposition to the motion to amend. And just listening to Senator Erdman, the chair of the Rules Committee, and Speaker Arch, the leader of this body, talk about the necessity to circumvent the rules to make a change to the rules. So on the board, it says it's a rules suspension. But you heard both of them discuss that this is actually a move to amend the rules. And we have a process for amending the rules. And as Speaker Arch said, it's not a question of can, it's a question of should. And I guess I would agree with that assessment. This is a question of whether we should do it this way. And you have the chair of the Rules Committee, who is empowered to hold this hearing within five days, which is what the rules require, currently and report out any rules. And you have the Speaker, who would then be empowered to schedule that rule change. So what you're doing here is circumventing the rules in an unprecedented way to deal with an unprecedented problem, but you don't need to do that. You could do exactly what you strive to do here, within the confines of the rules, within the confines of normal

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procedure and it would take, essentially, three more days than have currently-- it's currently taken. And so, honestly, I don't know where I would come down on the substance of the rule change. I've had a number of conversations with people about what's appropriate and whether, as Senator Moser said, the unprecedented actions illustrate a-- perhaps a flaw in the rules that need addressing. But whether that needs-- that, that is true or not, needs to be elucidated at a hearing and have a conversation. Because the method that Senator Erdman is undertaking here is the wrong method to change these rules. This is an abuse of the system and an attempt to address what he sees as an abuse. And so, my suggestion, to everyone here, would be to vote against the suspension. Let's put this to the-- into the Rules Committee, to have a hearing, to have a discussion. Senator Erdman, I think, pointed to the fact that Speaker Arch brought a similar resolution to the Rules Committee this session, but it was distinguished in a very important way. Senator-- chair-- Speaker Arch's proposal would have only allowed the motion by one person, which meant other senators could still make that motion on that bill on that day, which is a different drafting of this rule. It is a different contemplation of how it would work out. And it doesn't hinder the ability of other senators to make a motion of-- under their own independent judgment. Under this rule, as drafted, it would prevent me from taking an action, because of an action another senator has taken. So I think there are certainly reasonable ways you could address this issue, but you need to do it within the regular order of the Legislature. There are a number of problems with how this is being introduced, aside from the fact that it-- that-- how it addresses the issue. So I'm going to oppose the rule suspension as is. But-- well, I guess I would ask if Senator Erdman would yield to a question.

HANSEN: Senator Erdman, would you yield?

ERDMAN: Yes.

J. CAVANAUGH: Hello? There we go. Thank you. Senator, you said this is and it-- you are, you are moving to amend the rules for the remainder of this session?

ERDMAN: That's correct.

J. CAVANAUGH: And you said that this motion is not amendable--

HANSEN: One minute.

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J. CAVANAUGH: --thank you-- this motion that you propose is not amendable or divisible?

ERDMAN: That's right.

J. CAVANAUGH: So in the normal course of a debate about rules, is a rule change amendable?

ERDMAN: In the normal course of a-- of--

J. CAVANAUGH: A debate about the rules. Is a rule change de-- amendable?

ERDMAN: I'm not sure I, I-- what are you asking? Are you asking if we did this through the hearing process and it came to the floor, then we could, we could amend the rules there?

J. CAVANAUGH: Yes.

ERDMAN: I don't believe so.

J. CAVANAUGH: Well, I guess, I would tell you that--

ERDMAN: You asked my opinion, right?

J. CAVANAUGH: --that, that may be your opinion. In the normal course of a rules debate and a rule comes to the floor, there-- you can propose amendments and they can be debated. And my point is that everybody might want the outcome here. Thank you, Senator. Everybody might want or many people may want the outcome here, but you may not want the specific outcome that this rule proposes. And so, going through the normal process, having a hearing, gets people to allow to come and criticize it--

HANSEN: That's time, Senator.

J. CAVANAUGH: --to point out problems-- thank you, Mr. President.

HANSEN: Senator Wishart would like to welcome five members from LeadingAge Nebraska, from across Nebraska, in the north balcony. Would you please stand and be recognized? Senator Blood, you are recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand opposed to Senator Erdman's motion. And I want to read a quick email from one of my constituents. Senator Blood, Senator Erdman's motion is infuriating. I hope you voice objection to it. You don't change the rules in the middle of the game because you don't like how the game is

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going. Rules are rules and you follow them. That is the point of the Rules Committee hearings at the beginning of the session. Everyone had an opportunity to introduce rules, one of which was one-- the one in question. The Rules Committee decided not to adopt it. Therefore, the opportunity has come and gone. The next time rules should change is the beginning of session, when everyone is agreeing to the rules. I just want to point out that we're in a fishbowl. We frequently forget that people are watching us, that a lot of people are watching us, even more so this year. And they know the rules. And they want to know what we're doing and why we're doing it, so I hope that that's exactly what debate is about. I know that this is something that Senator Brewer-- if-- I can't tell if he's there, because McDonnell's in the way, but there's a military term called paradox of power. And I kind of feel, feel that that's what we're doing right now. Like, the more that certain people dig in their heels, the more pushback they get, so it's going to be a very interesting debate and a very interesting rest of the year. With that, I would yield any time that I have left to Senator DeBoer.

HANSEN: Senator DeBoer, you're yielded 3:23.

DeBOER: Thank you, Mr. President. Thank you, Senator Blood, for the time. Colleagues, I'm going to spend some time this morning talking about some things because I have a number of things to say. And if you have time, I would love it, so you can yield it to me. The first thing I want to say, though, is I'm sorry, to this body. Last Thursday, what happened with the parade of motions, that was a direct result of my failure of leadership. And that was no one else's fault, that one-- was no one else's failure of leadership. That was my failure. As the ranking member of the Rules Committee, I'm vice chair, that was opposing that bill and because I knew what was going to happen, I should have objected to it and thought about the consequences. I didn't. When someone asked me if I thought such a procedural move would make people more mad, I said I didn't think they could get more mad, which both means I was wrong and also, that that wasn't the right question. Because the right question was whether it was the right thing to do. So if you're mad about last Thursday's procedure, that's on me. Be mad at me, because I'm the one who failed there. I should have stopped that because of the reasons that you all will articulate. We're in an arms race, where we're all trying to manipulate the rules and the power that we have in any way that we can. And arms races never end well. So today, I would like to ask us to pause in the arms race, to have an armistice of sorts. What I would like to say is that--

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HANSEN: One minute.

DeBOER: --this does need a hearing. It needs a hearing, because it is vastly different than the one that was proposed in January, which limited the member. This limits the body. That is a very significant difference. There are alternatives we could consider. For example, we could consider whether we would allow the repeat motion by majority vote. We could consider that. It would still have the same effect of pre-- preventing a misuse of the rules. We could make the repeat motion something that happens only in unanimous con-- the withdrawing of the repeat motion, only by withdrawing with unanimous consent, as we do for something which has been amended of this type. There are a variety of discussions we could have about whether this--

HANSEN: That's time, Senator.

DeBOER: Thank you, Mr. President.

HANSEN: Thank you, Senator Blood and Senator DeBoer. Senator Raybould, you are recognized.

RAYBOULD: Good morning, fellow Nebraskans, watching today on TV. And good morning, colleagues. You know, I love debate. I love free and fair debate. And I agree with everything that Senator Conrad has said and Senator Moser. I think the Nebraskans watching us debate want to hear us discuss the issues fully and fairly. And I know that the Nebraskans that I talk to that reach out to me, they say they want us to focus on issues that are helpful to them, to their families and to our state. They don't want us to focus on hurtful and hateful legislation, like this body has been trending towards. And that is disturbing. So I understand why my colleagues have been standing up and challenging and using every tool in the arsenal imaginable to stop hateful, hurtful debate. However, I love rules, as well. I think of Ernie Chambers. He was a master at working within the rules and guidelines, as every governing body should. And you know what we're trying to do right now? We're trying to change the rules right in the middle of a session. Rules that we all adopted. And Senator Arch, I have to tell you, that we're not working under Masonic rules at this point in time. We are working with the rules in our orange rulebook today. Can you imagine during a football game, they change the rules and say, OK, you can only pass once, you can only carry the ball two times. That, that is so unimaginable. I am willing to support some of these changes, but we have rules and guidelines that tell us when we can change the rules. And I ask my colleagues to follow the rules. And it says clearly-- I am not an attorney, but I can tell you I have been

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working with real estate law for 35 years. And as a person who's a non-lawyer, you go to the plain English language as the guiding force on how to interpret and proceed with any law. And I just want to read it, clearly, so my colleagues understand. It says, the permanent rules may be amended by a three-fifths majority vote of the members elected, provided, provided any proposed amendment must first be referred to the Committee on Rules, for consideration and report. That is the course of action. That is the course of action I will support. And, Mr. President, I would like to yield the rest of my time to Senator DeBoer.

HANSEN: Senator DeBoer, 2:15.

DeBOER: Thank you, Mr. President. Thank you, Senator Raybould. Senator Raybould was pointing out a very good point, which I do want to make, at some point and I don't want to be disjointed in my conversation as I have these little snippets with you. But there is a significant difference between suspending the rules for a particular action and amending the rules. And you can't get around that difference by saying we're suspending to amend. Folks are saying that we shouldn't change rules midstream. And I would get even more nuanced with that and say we have a process, within the rules, for changing rules, even midstream, midstream. But that process is not the process we're following here. We need to have a public hearing on this. The underlying rule change, I'm not against. What I'm against is using the rules improperly to do this particular thing. Because we are amending the rules, but we're doing it, calling it a suspension of the rules. This has, in fact, been addressed by this body before.

HANSEN: One minute.

DeBOER: I'll come back to that when I have a little more time all at once. But it happened in 1975. Spoiler alert, there's a familiar face in that debate, which we'll get to in a little bit. We can change the rules if we do it the proper way. But this is not the proper way and there's a reason why this is not the proper way. Because if we will just do this suspend motion to amend rules, why would we ever use the proper channels to amend the rules? We do not want to, first, cut out the public and second, with respect to rules, act in the heat of the moment. The three days that you need to have a hearing, the public hearing and then the action by the committee, allows us all to take a beat.

HANSEN: That's time, Senator.

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DeBOER: Thank you.

HANSEN: Thank you, Senator DeBoer. Senator Ballard would like to welcome his father, Jim Ballard, from Raymond, Nebraska, and friend, Phil Wharton, from Lincoln, Nebraska, sitting under the south balcony. Please stand to be recognized. Senator Dungan, you are recognized.

DUNGAN: Thank you, Mr. President. And good morning, colleagues. I rise today opposed to the motion to suspend the rules. I, I think part of the, the issue that we're talking about here is what's precedent and what's not, but we're also talking about what is the purpose of the rules that we actually have. One of the things that I think the rules exist to do, is to protect the voice of the minority. There's been a lot of articles written, over the last, you know, year or so, about the numbers we have in this body. And one thing that those who pay attention at home or the people in this body know, is that there are certain numbers that different sides seek to have, in order to, essentially, control the debate. A lot of conversation surrounds is the, you know, is-- are there 17 who feel this way about this thing or are there 33 who feel this way about that thing? And the reason those numbers matter, is that the rules that we currently have in our, in our rulebook, were implemented in order to protect against majoritarian rule. And one of the things that makes Nebraska, I think, incredibly special, is that we have this unique Unicameral, that operates under a procedure that allows us to allow minority voices to be heard. And I think the entire purpose of the rules and the entire structure that we have here, is to make sure that we don't fall under majoritarian rule. A simple Google search, you'll come up with quotes from founding fathers, about how majoritarian rule or rule of the majority was a part of what we were trying to prevent, prevent by having these checks and these balances. And so, while I understand the frustration that some in this body feel, regarding some of the strategy or tactics that are used from time to time, I don't believe it's improper to ensure that the voices of others are heard and especially if we harken back to the debate that we're talking about from last week. I mean, what we're talking about are the rights of trans kids to dictate their own medical care through consultation with doctors and families. And why I think that's important is we had this intense, heavy conversation on Thursday not to piss a bunch of people off, but to make sure that folks were hearing the plight of those who, frankly, go unrepresented on a regular basis and, and really, don't often have their voices heard. And so rather than steamroll this process, I think what folks in this body were attempting to do, myself included, was to make sure that we took a beat and we listened to what people actually had to say and talk about this very important issue.

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So, again, the whole purpose we're talking about here is just to make sure that we slow things down and have a conversation. And frustrating, though it may be, from time to time, the rules are in place to allow minority conversation to be heard. So with that, I, I, I do want to continue a conversation here that Senator Cavanaugh brought up, as well and with these questions he had with Senator Erdman. In our rule book, we have Rule 2, Section 2, which specifically talks about rules, suspension and amendment. And even the title of that section, it separates them out into three separate things. So a rule that this-- or a motion to suspend and a motion to amend are two entirely different subjects covered in there. It starts by saying the rules may only be suspended by a three-fifths majority of the elected members by a machine vote and such a motion shall not be amendable or divisible. New sentence. The permanent rules may be amended by a three-fifths majority vote of the members elected, provided that any proposed amendment must first be referred to the committee on Rules for consideration and report. Two separate clauses. One of them talks about rule suspension. The other talks about rule amendment. And the fact that those are delineated into two separate sentences, I think, is important. And so, I would join in the concerns that my colleagues have raised here today, about how this motion for a rule suspension encapsulates multiple motions that frankly, should be sep--

HANSEN: One minute.

DUNGAN: --thank you, Mr. President-- that frankly, should be separated out. And as it's currently stated, this is just a motion to suspend the rules. This is not a motion to amend the rules. A plain reading of what's been proposed here, if this passes, merely suspends the rules. I believe we would still need a motion to amend. And I think that motion to amend is also debatable, amendable and divisible. And this is a motion to suspend for the purpose of, it is not a motion to suspend in order to, in that moment, effectuate the change. So, colleagues, the, the words matter, the rules matter. I am a lawyer and I do read this, particularly and I do read this as two separate things. And so, think about that as you're voting for this. And, and I would urge those essentially making the decisions here, to understand that, if this passes, it is just a rule suspension. It is not a rule amendment. Thank you, Mr. President.

HANSEN: Thank you, Senator Dungan. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Well, good. So I have a minute to discuss this again. Senator Dungan was spot on with the difference

between a motion to amend and a motion to suspend for a particular action. A motion to suspend for a particular action can be self-actualizing. A motion to a-- to suspend to amend is not a thing that we can do. Also, we can't do this, amend the rules until a date certain, as far as I could tell. I did not see any capacity, within the rules, to amend until a date certain. We have a motion to amend. We have temporary rules. We have permanent rules. All of those things. But what we're doing here is an amalgam. And it is attempting to use a motion to suspend the rules, to get around the motion to amend. Now, you may all be frustrated enough that you say, to heck with it all. To heck with it all. Yes, we're doing something that's not constituted by our rules. To heck with it all. I'm so tired of this filibuster. Well, we've been here for 50 days or whatever day we're on right now. I ask you, three more, to do it right. What's three more, to do it right? And I say that in the context of this particular thing. This rules change and the particular way in which it is seeking to be amended, will not stop the way in which we are all sort of stuck here while this filibuster occurs. This rule doesn't stop the filibuster. You'd have to line up about 25 rule changes to stop the ability of someone to filibuster. And I'm not sure that that's something we want to do, first of all. And also, I'm sure someone could outsmart me and find a way to still filibuster, because filibuster is the default setting. Our cloture rules and our rules to stop filibustering are the rules that go in place to try to control the filibuster, but the default is that people can speak as long as they want about whatever motion is in front of us, whatever amendment is in front of us, whatever bill is in front of us. So the question here is, are we going to do this the right way or are we going to try to muscle it through? And the reason that I think we shouldn't, as a matter of policy, in addition to the rules themselves, besides not being effective at what you really want to do, which is stop the filibuster, is that we should not be amending rules, which is why our rule book imagines it this way, in the heat of the moment. We should not be amending rules willy-nilly. Now, some may argue that this is not willy-nilly, because we've been sitting here. But this discussion of this motion and changing it in this way, I would argue, is pretty abrupt, considering there are a variety of ways that we could modify this rule that have not been discussed, like you can do two and you can only withdraw the second one with unanimous consent. You can do two and you can only withdraw the second one with the appreciation and support of the majority of the body, with a vote. Because, colleagues, it's very seldom true--

HANSEN: One minute.

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DeBOER: --that a motion to reconsider is successful. Very seldom true. In the time that I'm here, I don't think I've seen it done before. And yet, with Senator Lowe, I don't know if it was a priority bill or if it was the, the committee he leads priority bill. But with his bill, last week-- I think that was last week. Maybe it was the week before. It's very hard to remember weeks here. We reconsidered the motion and it was successful. And it's good that it was successful because otherwise, that bill would have been a mess. We wouldn't have been able to pass it. We wouldn't have been able to pass the pieces of it that we wanted to pass. So we have these in place not to be broken, to be used, not to be abused and sometimes, OK, maybe there's something that has to go in place to stop abuse of the rules, but let's have a discussion.

HANSEN: That's time, Senator.

DeBOER: Thank you.

HANSEN: Thank you, Senator DeBoer. Senator Briese, you're recognized.

BRIESE: Thank you, Mr. President. Good morning, colleagues. I represent the 41st District. I represent rural interests. I represent ag interests. And as such, I'm really part of a shrinking minority in this body. And because of that, I do not take any proposed rule suspension lightly. But here, I would submit to you that the integrity of the legislative process truly is at stake. And the rule suspension here is warranted, in order to get this fixed. And I want to thank Senator Erdman, Chair of the Rules Committee, for bringing this to us. This change is necessary. Why is that? I'm not going to criticize the opponents of LB574 for what they did Thursday. They're entitled to use what is at their disposal to oppose something that they fiercely opposed. But I do think it's a bad look for this body, it's a bad look for this body to, for either side, to completely silence, censor, cancel, the comments or the debate from the other side. It flies in the face of good government to completely stifle legitimate debate on a very important issue. And that's what happened Thursday. And we owe it to Nebraskans to ensure that that doesn't happen again. And we need to get it done now. And again, I thank Senator Erdman for bringing this to us, in this format. We need to get it done. And with that, I'd like to yield the rest of my time to Senator Erdman.

HANSEN: Senator Erdman, 3:26.

ERDMAN: Thank you. And thank you, Senator Briese. I appreciate that. So we've heard a lot of discussion about we should have a hearing. And

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by the way, I said this to Senator DeBoer off the mike. I didn't realize that she was the chairperson for the Democrats, but now I know who I can speak with. But I, I really find that peculiar because we're nonpartisan, so that's kind of a peculiar thing. So we continue to have what George Norris put in place, called the Unicameral and have-- if we had a bicameral, we wouldn't be here talking about this stuff today. We have given numerous and plentiful opportunity to the minority to have their voices heard and to share their opinions. That's called the minority. That's the way it is. So we did have a rule that was submitted by Senator Arch, in the Rules Committee. And I'll read it to you, so you make sure that you understand what we did. His proposed rule change was no motion to postpone, to postpone to time certain, to recommit or to postpone indefinitely. Being offered shall again be allowed on the same day, at the same stage of the bill or proposition by the same member. That's the only difference. The same member. And as I said in my opening, had we known they were going to do what they did last Thursday. We would have taken this motion up. This change. And the rules, we would have done that. So when I concluded my comments earlier, I said, you're going to hear all this whining about we can't do this. And I said whining. Senator Conrad did make one statement that was truthful. We can do this. All right. So she did make a truthful statement about that. We can and we will or we should. I don't know what the will of the body is, but I'll tell you this. You're getting a taste, you're beginning to draw a conclusion by those who are in opposition to this rule change, of who's worried about making the change and who isn't.

HANSEN: One minute.

ERDMAN: You're beginning to understand that those that have been helping Senator Cavanaugh are totally upset that we're going to take away one of their tools that they use to filibuster. And Senator DeBoer correctly stated, we will not cease the filibuster opportunity. We won't do that. So just listen to who's in opposition and you can quickly conclude as to why we've wasted the first 50 days. So if you want to move on and get your bill passed and do some things that the people sent us here to do, then vote for this amendment. Vote for this motion. Very simple. And you'll hear more whining as we go, about why we shouldn't do this. But the fact is, we can and we should.

HANSEN: Thank you, Senators Briese and Senator Erdman. Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Mr. President. Good morning. Nebraskans. Good morning, colleagues. I've been listening to this conversation. And as

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a freshman senator, I'm, I'm, I'm genuinely interested in this discussion. This entire session, frankly, has been fascinating as a, as a freshman senator. And, you know, it's been highlighted a couple of times, that we, we have a process to, to amend the rules in here. And I'm listening to everything that's being said on the floor and trying to digest that with what I understand is the rules. And I, I, I certainly appreciate and understand the process of temporarily suspending the rules for a specific action to take. But I do, if I'm being honest, I do get a little bit of a heartburn, considering temporarily, temporarily suspending the rules to permanently amend the rules. That, that, that, that gives me a little bit of, of heartburn. And I'm going to continue to listen to this conversation and, and sort of see what I can learn, through the discussion, throughout the day. There, there-- there's been a couple of comments on what happened last week, specifically what happened last Thursday, as, sort of, like a catalyst for, for this. And, you know, I, I, I want to highlight-- you know, colleagues, what, what, what happens in here doesn't happen in a vacuum. So what happened last week didn't happen in a vacuum. And frankly, this entire session has not happened in a vacuum. We, we, we can't act like LB574 is a normal thing, because it's, it's not a normal thing. You know, anyone paying attention to the debate last week, was hearing there was so much infor-- misinformation and, and harmful things being said on the mike. And, you know, we're not discussing the budget. We're not talking about marginal tax rates here. You know, we're, we're, we're literally talking about civil rights and human rights. And that's not normal for us to be doing in here. That is not a normal thing to do. So I'm not going to be normalizing that myself. And with that, I will yield any additional time I have to Senator DeBoer.

HANSEN: Senator DeBoer, 2:41.

DeBOER: Thank you, Mr. President. And thank you, Senator Fredrickson. I did want to make one clarifying comment. Senator Erdman, I had mentioned that I was the ranking member of the Rules Committee who opposed LB574. I made no statement about parties, but about those who opposed the bill, where the action was taken last Thursday. I will mention that all of this is also, sort of, in the same world in which we overruled the Chair on a motion to cut off debate after five people, which the Chair had ruled out of order. I think it was five. So this is why I say it's an arms race. And colleagues, I don't-- I'm tired, too. I'm really tired of the arms race, of the let's see if we can find a way to do something with the rules, back and forth, back and forth. I spent the weekend reading transcripts to see all the times in which this has come up before. In 1975, it came up, as I

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mentioned. There was a similar discussion in '89. And when I was reading these various transcripts, it was so clear what a different time it was in this body, because arms race wasn't the way of the day. There were enough folks who--

HANSEN: One minute.

DeBOER: --said, we need to pay attention to the rules. So when they had these rules debate, it was-- there was no side in the rules debate, except for the side of whether the rule was proper or not. And I would ask you to do that, particularly because Senator Erdman, by his own admission, says this won't stop the filibuster. And by the way, the rule proposal he had in January would not have stopped what happened on Thursday. That's how materially different it was. Because if we had adopted that rule, the same exact thing that happened last Thursday still could have happened. So this is enough materially different than that situation would not have been affected, had the rule been passed that Senator Erdman was talking about. This rule, this one, which is attempted to be amended through suspension of the rules--

HANSEN: That's time, Senator.

DeBOER: Thank you, Mr. President.

HANSEN: Thank you, Senator Fredrickson and Senator DeBoer. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. I stand in favor of the rules in suspension and to amend the rules. Thank you, Mr. President.

HANSEN: Thank you, Senator Lowe. Senator Linehan, you are recognized.

LINEHAN: Good morning, Mr. President. Good morning, colleagues. So I just heard Senator Frederickson say that he was new and he's a freshman. Well, I'm old. And I want to get some things done this year. And that's why I'm willing to suspend the rules. We are here-- so, Senator Fredrickson, I'm sure you've heard this many times, but you'll hear it a lot more, when we get to the budget and tax cuts. When my class got here, we were broke. We had no money. Chairman Stinner had to go through the sofas, look for all the change. It really wasn't as bad in the end, because the forecast got better. But it was not a happy time. Now we're here and we have billions. We can cut taxes responsibly. We can. And there's been several of us working on this, Senator Briese and others on the Education Committee and Revenue Committee. We've worked the whole time we've been here, to get funding

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to rural schools. And we can do that this year. Senator Wishart and I have helped somewhat-- has worked, since she's been here, to get 80 percent of special ed covered. We can do that this year. Senator Wishart has another bill that got stopped last week that's important that had at least-- I did the card-- had at least 45 votes, but we didn't get to it. Senator McKinney has a hair bill that's very important to him. We didn't get to that. So, yeah, I'm willing to suspend the rules. What happened last Thursday was-- had never happened before. You have a bunch of people fill the queue. And I know maybe we shouldn't talk about last Thursday, but that's why we're here. Senator Dungan said it was so people could listen to a debate. It wasn't a debate. Everybody-- I don't know, 15, 17 motions, how many were filed, stood up and not only did they talk about the bill, that would have, maybe, been OK, but they called people out by name, took on the speaker, said he wasn't doing his job, when everybody who was speaking knew that nobody could respond. Now, when you stand up and you have a plan that you're going to belittle or call people names and you know when nobody can respond, it's not OK. People are going to change the rules. Senator DeBoer, you just mentioned that there was a vote to overrule the Chair, to cut off debate. Too soon. I agreed. I didn't vote for it. But we all knew it was a warning that the other side was not going to keep putting up with it and putting up with it and putting up with it. The warning was not heeded. Senator Arch has been far more patient than the people I'm getting phone calls from, far more patient. This-- we're being laughed at, guys. Senator Dorn knows my little brother. He's not really little, but he is younger than me. He went to one of the spots where everybody gathers, in Crab Orchard. You know how this is, Senator Dorn, in a small town. There were, like, I don't know, five or six people there, maybe more. They all wanted my cell phone, so they could call me and ask me why I couldn't fix this. My brother loves me, so he didn't give them my cell phone. But we have people up there, people in the lobby, people watching on TV, people reading the news, know how much good we can do this year. And this is what we're doing. It's not OK. We need to get to the business of the people who sent us here. And we need to take care of--

HANSEN: One minute.

LINEHAN: --kids in schools and get funding to rural schools, take care of special ed kids, leave enough money that we can be prepared for a rainy day. There's a lot to do and it's a lot of important things and we need to get to it. So I'm absolutely for suspending the rules so we can get to-- our work done. Thank you.

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HANSEN: Thank you, Senator Linehan. Senator Arch would like to welcome 60 students from the fourth grade class of Hickory Hill Elementary in Papillion, Nebraska, in the south balcony. Please stand and be recognized. Senator McKinney, you are recognized.

McKINNEY: Thank you. As a coach, you know, suspending rules in the middle of the game is kind of rough for me. But I wanted to bring up something else, because it, it pertains to suspending rules or changing rules. The Department of "Punitive," "Punitive" Services proposed changes to Title 18 [SIC - Title 68], Chapters 2, 3, 5, 6 of the Nebraska Administrative Code. And the proposed changes remove unnecessary language, according to them, reflect current policy, change terminology, terminology. The adoption of Chapter 10 promulgates, promulgates rules and regulations that provide petitions to the declaratory orders as required, pursuant to statutes. Why is this important? Well, number one, we have a prison overcrowding crisis. Our jail-- our prisons are horrible. And the Department of "Punitive" Services has done nothing to make those changes, but asks for money to build prisons and treat individuals that are incarcerated inhumane. So other things that they're changing, in one of these things, it says if an inmate chooses to send an unprop-- unproposed grievance to an entity outside of NDCS, the grievance shall not be considered to be filed with NDCS, with-- and will not be entitled to a response by NDCS. Things they are striking: petitions, inmates may circulate petitions for signatures. They're striking that. Another thing they're striking: the petitions cannot violate or propose a violation of the department's rules or state or federal or interfere with the security or good order of the facility. They're striking that. Another thing they are striking: inmates may petition the warden or the director, requesting specific relief concerning a grievance involving a department policy or practice. The petition must state the proposed change in the department policy or practice, the reason for the proposed change, and the circular-- circulator's full name and inmate number. They're striking that. They're also striking inmates supporting a petition may sign a petition, an inmate filing, an inmate filing/signing the petition shall give his or, his or her inmate number and the date of the signature. The signatures must be leg-- must be legible. They're striking that. Another thing they're striking, the petition shall be attached to a, a step-one grievance form and submitted to the warden within the time limits for filing step-one grievances. Striking that. Another thing, the warden shall consider the petition where responding to grievance that the petition concerns. They're striking that. Another thing they're striking, if the inmate wants to appeal from the decision of the warden, the inmate

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shall attach the petition, the step-one grievance form and the warden's response, to a step-two grievance form and submit it to the director within time limits established for grievance appeals. They're striking that. Another thing, the warden and director will keep a copy of the petition with the record of the grievance that the petition concerns. They're striking that. Why is this important? If individuals who are incarcerated cannot work together to try to get the department to make some changes that affects their lives, we're going to have serious problems in our prisons. So I would tell the interim director and the administration, whoever else is in charge of the Nebraska Department of "Punitive" Services, to not do this. This is going to, this is going to be bad. And I don't think you all really understand how bad it's going to be. It's potential for other bad things to happen inside of that institution-- institutions, like Tecumseh, if--

HANSEN: One minute.

McKINNEY: --individuals cannot air out their grievances. Because if you didn't know or you forgot, Tecumseh is still in bad shape. Individuals, for at least three years, probably haven't even been able to visit their family, because it's being so restricted. On weekends, they can't have visitations and they can't see their families. So just imagine not being able to see families, still under restriction because the department can't hire enough people and they won't allow you to file grievances or do petitions. What do you think is going to happen? We need to wake up and be leaders and do something this year. Thank you.

HANSEN: Thank you, Senator McKinney. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I stand in opposition to the rule suspension. I don't have a lot to say about this. This changes nothing for me. This doesn't inhibit my ability to do anything that I am seeking to do. I am responsible for myself. No one else is responsible for my actions. I'm offended that anyone would purport to take responsibility for what I did on Thursday. That was my actions and I stand by them. If you want to change the rules in some way to penalize me, you should do that. This does not penalize me. This does not inhibit my ability to do anything. I'm fine with this. What this does is hurts the body and the institution, but that is a choice that you all are going to have to make, as a majority. I had that conversation this weekend and I was told that that was just fine. Everybody was comfortable with penalizing the institution and that's where we are. But I will

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continue to take time. There are good things that we could accomplish this year. We just first, have to hurt children. We first have to take away their dignity and their right and their access to medical care. We have to demoralize them, dehumanize them, marginalize them, attack them. But as long as we're cool with that human rights violation, Senator Linehan, then yes, we can do some good things. As long as we can do the worst possible tragic thing we could do to a vulnerable, minority population, as long as that's our priority, then no, we're not going to do the rest of the good things. I'm not going to let an atrocity be perpetrated against the children-- trans children of this state, so that we can do anything else first. Make a choice. I'd like to yield the remainder of my time to Senator Conrad.

HANSEN: Senator Conrad, 2:50.

CONRAD: It's right here. Thank you, Mr. President. And good morning again, colleagues. Just to respond to my friend Senator Moser and to channel the father of the nonpartisan Unicameral Legislature, one of the reasons George Norris sought this historic, monumental change in our system of government, was so that we could divorce ourselves from a national-- from national issues that didn't impact our constituents, to give us a protective opportunity to move away from partisan rancor that has crippled our sister states and our federal government. So the response when senators in this body choose to act like Washington, choose to take a chapter out of that playbook to advance human rights abuses, that is what does not honor George Norris and his vision for this state. That is why you're not honoring your oath to serve in a nonpartisan institution. And let's be really clear about this and let's get down to the personal. When my friend, Senator Slama, Senator Kauth, Senator Brewer, were attacked in the committees that I serve on by members of the public, guess who spoke up for them? Senator Conrad. Guess who called that out of order and asked that each member of this body be treated with dignity and respect? Senator Conrad. When Senator Wayne got on this floor and asked for you to call out online hate against your colleagues and their children and their family, you sat silent. Don't give me a lecture about collegiality because you don't live it.

HANSEN: One minute.

CONRAD: You bring it up out of context and it doesn't match your actions. And let's also be clear. Thank you, Mr. President. Senator Linehan and Senator Erdman, who brought forward this proposal, have said, you got to suspend the rules and amend the rules for the remainder of the session without a public hearing, which is anathema

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to our process, to save the session. You could have saved the session with your vote on cloture. You could have saved the session by not putting LB574 up. And let's also be clear. This won't actually save the session. There's still an ability for amendments. There's still an ability for a host of other motions. There's still an ability for an individual member or a group of members in the minority, to take time on all of the bills on the agenda, in innumerable ways. So not only does it fly in the face of our process and--

HANSEN: That's time, Senator.

CONRAD: Thank you, Mr. President.

HANSEN: Thank you, Senator Machaela Cavanaugh and Senator Conrad. Senator Wayne, for what purpose do you rise?

WAYNE: I rise that this motion is out of order. Although it's been scheduled, it's still out of order. There's only two ways this can happen. Either you suspend or you amend, but you can't do both. That's an improper motion before, before this body. There's nowhere in our rules where you talk about you can do both. So either you got to suspend Rule 2.2 first and then amend, so it would be two separate motions, but it can't be both, underneath our current rules.

HANSEN: Senator Wayne and Senator Arch, will please approach? It is the ruling of the Chair that the motion is properly in order. Senator Wayne, for what purpose do you rise?

WAYNE: I rise to overrule the Chair.

HANSEN: Senator Wayne, please open on your motion to overrule the Chair.

WAYNE: Thank you, colleagues. I did listen to Speaker Arch about past precedent, that there has been a past precedent where they sometimes suspend the rules. That does-- as you know, the Legislature in the past can't carry forth or bind us to anything. In fact, you have to look no further than when you overrule the chairs, can you ask another senator for a question? There is precedent that you can. In fact, the last Clerk for the last six years allowed us to do so. However, there was one ruling by Speaker Flood, Speaker Flood, that said you couldn't. So this Clerk decided he's going to take that rule. I will also note there's precedent on both sides, whether to suspend the rules only means for one day, whether suspend the rules indefinitely for the session means something else. There is precedent on both sides. Here's my only thing. It's OK to win. It's like U Conn, FDU,

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all the people in the final floor [SIC]. Don't worry. I'm not going to use Westside. I'm going to use Northwest High School, the school I went to. That's like you guys-- the high-- college team playing against a high school team. And we decide that we're going to circle around the ball handler and make sure you guys can't even get to the ball. And then somewhere around halftime, you're going to say, let's change the rules, because you don't like how the game is being played. I understand that. But our rules specifically call for a way to do that. So the proper motion before us and this-- I'm asking everybody, step away from your party. Party I-- a part-- and step away from the fact that you want to get stuff done. My entire legacy might not even be heard this year. I need to get stuff done, but there is a proper way for this body to do it. And the proper way is to suspend 2.2. And 2.2 says, here's how you amend the rules. So file that motion today, schedule it for tomorrow. We burn one day before you can change the rule in which you want to change. So you suspend that rule, then you file a second motion that can be heard right afterwards, to amend how we're proceeding the rest of this session. I'm-- this is the way you do it under the rules. Many people have been arguing this while I was listening in court, but the proper way to object is to object in a point of order that this is not proper before us. And I'm asking us to step back from our egos, step back from the willingness and, and, and willingness to go into I'm so mad I have to get something done, because I am one of them. I have a PTSD bill that will not be heard this year if we can't get off of this filibuster. And my side of the aisle knows that I'm not happy about where we are. But nevertheless, the proper way is to suspend 2.2 and then offer a next motion to amend it. It's the cleanest and best way. It doesn't matter if there was an agreement ten years ago, five years ago, between the body, to do this. It's not right. And it's not the plain language of the rule. It's just not. So I'm asking everybody, let's do it the right way per our rules. Let's not do it because somebody has a majority and we're trying to get things done and we didn't like how things happened. You suspend 2.2, you can write it on a yellow pad. The follow motion after that is to amend whatever else is out there. Then you take away the three-fifths, it still becomes a permanent or a temporary rule change. It requires 30 votes. It doesn't change anything. But we're not compile-- compiling two different motions before this body. And I'm going to end with this: there's a reason why we have a single subject matter. There's a reason why we have a single motion matter, because it has to be clear. This is the hardest thing I know many of you guys are going to do. Step back out of your own way, back up and say, there is a way to still get to the finish line, but we got to do it in a way

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that preserves the rules, preserves the rules in the least of how we get there. Thank you, Mr. President.

HANSEN: Thank you, Senator Wayne. Each member is allowed to speak once to this issue. Members may not yield time to one another and they may not ask questions of other senators. So with that, Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. I appreciate that. I've seen Senator Wayne come in, so I knew that they had reinforcements. Senator Wayne, I appreciate the fact that you arrived before it was too late. Most of the time in this body, we talk about the precedents of what has happened in the past, until it's not to our advantage and then we throw that out. We've done this before. We've done it before, numerous times. And Senator Wayne said the cleanest way to do this is to amend, 2.2 and then make another motion later, to do what we want to do. That very well may be an option, but it's not one that I'm willing to consider. Senator Wayne has numerous bills that he would like to see advance, numerous bills to help his community-- the young people in his community, black and brown or whatever you want to say that they are, because those people are children of Nebraska that need our help. I understand that. And I can appreciate Senator Wayne's concern about his district. No one in this body has accomplished more for their district than Senator Wayne has. The point today is today is the time to move on. And Senator Wayne, I know that you're as frustrated as I am that your bills haven't had an opportunity to be heard. And I know that you don't appreciate what has happened the first 50 days, but I also understand you have to try to help your side. And I don't know if you know this, but while you were gone, Senator DeBoer announced that she is the leader of the Democratic Party. So I'm sorry to break that news to you. But I'm going to vote to not overrule the Chair and to move on with the business at hand, which is to pass this rule change. Senator Arch, in his opening statements, mentioned, we've done this before. We can do this again. So when you consider what lays before us-- and this may not be the rule of all rules that stops the filibuster. I didn't say that it was, but it takes one of the tools away. And if you don't think this is a significant rule change, I had a call over the weekend from two people that are in opposition to this rule, this rule change. Had we not been on the right track, they wouldn't have called me. So, Senator Wayne, you can make all the statements you want about doing it right, about doing 2.2 and then coming back and amending the rules correctly. We've done this in the past. We'll do it again. If we don't do this, I suggest we just go home. I suggest we just do sine die and we go home. The Governor can call us back to do the budget or whatever else is on his plate that he

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wants us to do. But I'm not going to sit here for 40 more days and listen to the same thing I've listened to the first 50. It's very plain and simple.

HANSEN: One minute.

ERDMAN: Vote to uphold the ruling of the Chair. Vote for the rule change and let's get on with doing what they sent us here to do. Thank you.

HANSEN: Thank you, Senator Erdman. Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. And just a quick point. Do I have 5 minutes on this? I couldn't remember exactly what the type-- OK. 5 minutes, it looks like. OK.

HANSEN: Yes, 5 minutes.

CONRAD: OK. Very good. Thank you so much. Good morning again, colleagues. And I want to thank my friend, Senator Wayne, for his smart history lesson and excellent analysis of the process and the rules that are before us. And I rise in support of his motion to overrule the Chair. A couple of things that I think is critical in this debate, is that Senator Erdman-- my friend, Senator Erdman and I agree that there are key questions before us. Can the Legislature do this? Should the Legislature do this? But what he has conveniently failed to respond to is how should the Legislature do this? And Senator Wayne has helped to distill the point with his point of order and his motion to overrule the Chair. The rules, on its face, are clear for how you go about a rules suspension and a rules amendment. And it is unprecedented, it is unprecedented to attempt this crude attempt, which is masquerading as a motion to suspend the rules, actually does four things. That's classic rock-- log rolling. That's a classic violation of single subject. The motion contains four proposals. Look at it. Read it. Read it for yourselves. One, to suspend the rules; two, to suspend the rule amendment committee hearing process; three, to amend the permanent rule regarding priority motions to a new rule of procedure; and four, to suspend beyond the one legislative day that typically applies to suspension, to the remainder of the session. Senator Erdman concedes this will not, in fact, change the filibuster or save any time. So what is the point of this other than a punitive nature, because you're dissatisfied with how the minority utilized priority motions to organize debate. And senators, perhaps that was something that you found distasteful. Senator Cavanaugh and others have agreed it won't be utilized again.

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There's no need to change the rules, but it's not good enough. We have to punish. And think how counterproductive that is. We could have already been through Senator Wishart's bill, probably, nearing cloture, that we all agree upon and want, if we didn't have a four-hour side show on a rules debate, that is unprecedented, that is problematic, that doesn't honor our rules, that tries to do four things, that cuts out the public hearing. It just takes more time. It just takes more time. And it sets a terrible precedent. And Senator Erdman and his allies need to be clear. Once they set this terrible precedent, once they pool-- pull the nuclear option to carve out the public hearing, what's next? Cloture? Dilatory? Set more fake censure motions? Be honest about what your intentions are when you're setting this process, because you recognize this doesn't save time. You're setting a precedent to bring more punitive rules changes, in the middle of debate, in the middle of the session, into this body. Be honest about what your intentions are. Be forthright about those, because it's not about the priority motions and it never was. And priority motions have been utilized, throughout the history of this institution, to jump the queue, to organize the queue. That's exactly what happened on Thursday. And after two days of debate, with a full queue, where we were trying to debate and you kept calling the question on us. Senator Arch is dead wrong in quoting from the--

HANSEN: One minute.

CONRAD: --context of Masons, about we need to protect the will of the majority. Absolutely, we need to protect the will of the majority. And you know what does that? Everything else. Everything else in the rules. Everything else in your vote. The only tool left to the minority is the filibuster and using the rules, as you all unanimously agreed to, just as we have done. Senator Arch's proposal that he brought to the Rules Committee is distinguishable and he knows it. And it was not advanced. And it was not amended. And it was not adopted. And it applied to an individual senator, not the body as a collective. You should move to overrule the Chair and honor the second house, honor your institution, honor precedent, honor the rules. Thank you, Mr. President.

HANSEN: Thank you, Senator Conrad. Senator Vargas, you are recognized.

VARGAS: Thank you very much. There's a couple people-- people have been asking me why I'm on crutches. It-- it's because of Senator Wishart. No. It's because, basketball injury, just [INAUDIBLE]. So if you see me kind of limping around here as I'm standing, just know that that's the case. I stand in support of overruling the Chair. And it is

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really interesting. The underlying motion, I'd like to say I have a definitive opinion, but this is inherently the hard part about this, which is each and every one of you might be in support of the rule suspension. Maybe you're in support of amending the rules to-- for the, for the recommit for the IPP. If you have differences of opinion on each of those different things, you can't express it because it's all jumbled up into one statement. That's the reason why we don't do this. We've heard this, not only from Senator Wayne, Senator Conrad, and others, the reason we don't jumble everything up into one is because, procedurally, it's a mess. And you can't actually express your opinion on a single subject and make that decision and transparency clear to the public. Nobody in the public is going to know whether or not you are in support of the suspension or against that or if you have a different opinion on the underlying amendments. You vote for one, you are saying your yes to all and maybe that is the case for all of you. For people that may not be the case, that's the reason why we shouldn't-- we should overrule the Chair and rule this out of order and just take up the rule suspension. Not many people have introduced a rule suspension. I mean, I think there's a few of us. I introduced a rule suspension just about a-- what, two years ago. And for those people that were in the body, this was to suspend the rules to be able to introduce a new bill. I didn't introduce one language that said, I want to suspend the rules, introduce this new bill and amendment and then add the amendment to a bill. I just put a motion in, the Speaker scheduled it, to suspend the rules. And we debated whether or not we would suspend the rules for this purpose. And that's what we debated. That was the decision that people were voting on. That's what we ended up discussing. It-- and it wasn't actually voting on the underlying amendment or bill. The point that I'm trying to make is that we committed to these rules. We committed to them. And nobody is saying that they're not changeable. But if we don't abide by the process that we've written down for amending our rules, then we're operating in a much more chaos and we're sort of picking and choosing how we do it. Again, I'm not still saying that there's not an opportunity for us-- the reason why we have the ability to suspend the rules is so that we can do it in extenuating circumstances. So I'm not saying that this isn't something that is allowable. What we're saying or what I'm saying is that there is a process to which we do it. Now, what Senator Erdman said, at least I didn't hear from him, is that he disagrees with the process, going, going through, going through the motions and actually suspending the rules first. I still haven't heard exactly why he's against it, other than we have to get moving. And that rationale, on its own, isn't enough to supersede our norms and our rules, as written. It's not

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enough. I respect his work as a Chair. I respect the Vice Chair's opinion, as well. But it's not solely our interpretation of rules, it's also as written. And we need to--

HANSEN: One minute.

VARGAS: --suspend the rules first. And bear in mind, this is also coming out of-- there have been times, in the past, where there are things that I haven't always agreed with and many of us haven't agreed with, but we utilize it within our rules. Either within, you know, pulling things out of committee, which is in our rules. I voted for some of them. I didn't vote for some of them. But we didn't also change the rules in the middle of a session, when we didn't like the way it fit our needs. And it is a precedent that we're sending. And I won't be here. Many of us won't be here, at least 15, 16 of us, for what will be the new rules that are established in the new-- next biennium. But we are setting a precedent on whether or not we are going with what we committed to and even going with the process on how we even amend our rules in dire circumstances. So hopefully people are really considering and supporting overruling the Chair, so we can do it the right way. And you can still make your independent decisions [INAUDIBLE].

HANSEN: That's time, Senator.

VARGAS: Thank you.

HANSEN: Thank you, Senator Vargas. Colleagues, Senator Steve Erdman would like to welcome his friend, Spike Gordon, from Harrison, Nebraska, sitting on the south balcony. Please stand and be recognized. Senator Dorn, you are recognized.

DORN: Thank you, Mr. Chairman. Just sitting here trying to visualize or think about what I'm going to talk-- and I guess I find it kind of amazing that we've been able to do the conversation and have the conversation we have for 50 days. And the one thing we really haven't argued a long time over is rules. And now, here, we have rules and overriding the Chair and all that, so that we have made that a part of it, I guess. We don't have to have a filibuster to do this, we just call it trying to override the rules or not. One thing that I've always known, since I've come up here is, especially when Speaker Hilgers was here and Senator Wayne were here, I truly enjoyed their debate. I've never been a lawyer. We always go to lawyers to have that legal part of that work done. But they have different criteria or different things or they're able to talk about or explain things in a

different way, maybe. And the interesting thing that this year, so far, I've missed, that we've had a few times, maybe, is that type of debate that Senator Wayne and Speaker Hilgers could really have. They-- I can remember sitting here and they just went on and on and I just so enjoyed that. But they look at things, sometimes, a little bit different than what we do. The gist of what Senator Wayne, what I can get, anyway, of what he is proposing, is that we wait till tomorrow and we bring this back, the rules suspension. And then we take another day and we vote on the rules then, which, I don't know if that accomplishes anything or not. We're probably going to have the same outcome on this, this bill or this rule suspension. And it's just going to take some more time and eat up some more time. And, I think, most of us that are here this year are wondering why we can't get things done and why the process is going the way it is. I, I shouldn't say wondering. We kind of know why or whatever or have a good understanding. Part of what-- over the weekend, though, some senators visited with me. I visited with some other senators about this rule debate and, and some other bills. But when you go any place and I think Senator Linehan talked about it, when you go any place, especially in small town Nebraska, they sure come up and talk to you about what's going on here. There are a lot of people that are watching. There are a lot of people that are seeing how the process has really slowed down this year. And they talk to you about, maybe, some bills passing or some bills getting passed or what that number might be. There are many people that are watching this. They are not so much frustrated as they want to understand why this is happening, why this is going on, why this process has come to the slow down or the crawl that it has taken place. Well, we're in the last 40 days now. And if I believe right, I think Speaker Arch has scheduled a late debate for tonight. We're going to have about 26, 29 days of late night bait-- debate. So this process will move. It will slowly move. We, as a body, are going to get to decide whether it's going to move at a faster pace or whether we're going to move at the pace we're going at now. I think if Senator-- Don Walton, in the Lincoln paper, had a tremendous article, probably now, three weeks ago, that we'll have 30 to 40 bills and some of those bills will be the budget bills, if we continue to do what we're doing. That's going to be the outcome of this session. It might be less than that, because we might-- we're taking up part of today. We'll take up, if this don't-- if this gets overruled, we'll take up the next or doesn't get overruled, we'll take up the next couple of days, too, talking about this. So there's other slow-down tactics. I think we're all here for one reason and that is how are we best serve the people of the state of Nebraska? I think

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when you visit with the general population, they are frustrated, like a lot of us are.

HANSEN: One minute.

DORN: We're not getting things done for the people of the state of Nebraska. But I'll also end with one other comment. When I was on the county board-- one of the best days of the year, on the county board, was when the Legislature sine died, because we knew they couldn't pass no more things after that. So here we are now. Maybe this is a good thing that we slowed down. I don't know. But we are not passing as many bills, I think, as many of us visioned when we came here. Thank you, Mr. Chairman.

HANSEN: Thank you, Senator Dorn. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Dorn, for those comments. I thought they were pretty helpful and instructive. And the one thought that came to mind, as you were speaking was the phrase, haste makes waste. And so, the-- that means that when you do something too quickly, you might do it wrong and then need to do it over again. And there's a lot of other analogies, you know, phrases for that, you know, measure twice, cut once. What is it-- an ounce of prevention is worth a pound of cure and so on. But haste makes waste. And I-- I'm not saying that in terms of saying that we-- we're going too fast in this session, I think that that's pretty clear that we're going slower than everybody would like and not accomplishing as much as people want. And I'm in that camp. There are things I would like to see us accomplish, as well. There are things that I think we'll probably pass that I will not be happy about and I'm OK with that. But when it comes to things like this rule change, this is very much a haste making waste situation, where we're doing it the wrong way, where we've conflated a bunch of issues into one motion in a way that we shouldn't do, even though, I think, it's clear that you could do it if you so choose. But it is the wrong way to do it. So I support Senator Wayne's motion to overrule the Chair. I agree with the point of order that he raised, that the right way to do this, though different than the one I suggested before, which is having a rule filed, sending it to the committee, which the advocates for this control and then having it scheduled in regular order on the floor, is the right way to do it, because it allows for the public comment, it allows for the potential amendments to address some of the unforeseen issues in here. It allows for the actual conversation about how this rule is going to affect this body and going to move forward. And so,

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this is a hasty way to solve this problem that has been identified. And so, I think that is the appropriate thing to do. So to the point about, again, whether I would support any type of rule change, I, I guess-- I don't-- I think Senator Vargas talked about this. I don't know the answer to what rule change I would support. I wouldn't support this rule change in its current form, I guess is the point. And I would like the opportunity to have a broader conversation, about rules that would change-- ways to change the rules that still protect the integrity of this body, that protect the integrity of the process and that protect the spirit of which the rules are intended to address. And I, I think there is room for doing that, if you don't act in haste and pass this this way. And the unfortunate thing about the way we're addressing this, is it does-- it's coming from a place of spite and hurt feelings and anger, about how those of us have used the rules to this point. And you've heard people say that-- that's not going to actually get us to the place where people want to be, which is moving at a more, I guess, fast pace, going forward. And so, if this-- if you are acting in haste to change the rules in a way that you shouldn't, in a ham-fisted way and it's not going to get you the outcome you want, I guess the question is, what is the point of what we're doing? So this is, again, a haste making waste, because we're spending all of this morning, we're now almost 2 hours into debate this morning, on this rule change, that is not going to achieve the outcome that even the advocates--

HANSEN: One minute.

J. CAVANAUGH: --thank you, Mr. President-- the advocates for this rule change are hoping to achieve. So let's take a step back. Let's send the rule to the committee. Let's have it be heard. Let's allow people to comment. Let's allow for some changes to it. But in that broader context, let's have a conversation about what's going to allow us to move forward in a productive fashion. So I support the motion to overrule the Chair. I think there is, as Senator Wayne, I think, said, you'll get to your outcome. You'll get-- we-- if you want to amend the rules in this fashion, you will be able to do that. But there's a right way and a wrong way to do it and let's do it the right way. Thank you, Mr. President.

HANSEN: Thank you, Senator Cavanaugh. Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. I think a number of us have felt the frustration of how the session has proceeded. And as part of our dialogue along the way, numerous senators that were filibustering

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said, well, we're operating within the rules, we're following the rules and your rules allow us to do this. I-- that's a paraphrase, but it's very close to a literal quotation. So, some senators have said, well, we used that last Thursday, but we won't do that again. Well, I'm not going to rely on that reassurance, because when the moment comes and the emotions run high, I think we'll be right back where we were. This rules change is not going to eliminate filibusters. You'll still be able to filibuster. You just won't be able to pack the queue all from one side and control the debate, strictly in one side's favor. You're still-- you-- it'll make the debate-- the filibusters a lot more work, because you'll actually have to get up and talk about the bill. And the opposition will be able to respond, if they're attacked or if their issues are questioned. I only, I only think that's fair. I don't think what happened Thursday was fair. It was allowed under the rules, the way the rules are. It was the first time it was ever used. And I give them bonus points for being the first one to think of it. But I think it's an abuse of the rules. And I think the rules should be changed to stop that kind of action from happening again. Our rules are our rules to set, to operate by, as long as we follow the constitution. And I think Senator Erdman's motion is not a hasty way to do it. I think it's an expedient way to do it. And people in my district are frustrated. They're tired of listening to the same senators get up and go on and on and on, for hours. They would like to see us do the business of the state of Nebraska. And so, I support Senator Erdman's motion. And I am not going to vote to overrule the Chair. I think we need to pass this rule change and move on and try to get the business done for the citizens of Nebraska.

HANSEN: Thank you, Senator Moser. Senator Day, you're recognized.

DAY: Thank you, Mr. President. Good morning, colleagues. I have a few things that I wanted to mention. But first, I continue to hear people who are in support of this rule suspension and the rules change, talking about how it's not fair, what happened last Thursday, how we abused the process of debate to stifle debate. And I want to remind everyone what we're talking about here and what we were talking about on Thursday. We're literally talking about taking healthcare away from a marginalized group of children. OK. So if we want to talk about what's fair and what's not fair, let's don't forget the subject of this entire debate. If we had a bill, where we were trying to take healthcare away from kids who had green eyes and you had a child with green eyes and we were standing up saying, could you just please sit down? Can you not filibuster so much? I mean, it's absurd. We're literally talking about basic, human civil rights and people are talking about how filibustering is unfair. And let's not forget what

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has happened since the beginning of this session. Committees were intentionally loaded. The committee process, the norms of the committee process selection process were circumvented. But you didn't see us motioning to amend the rules at that point. Certain bills were given priority hearings. Bills that were introduced at the 11th hour were given priority hearings over bills that were introduced on days one and two and three. But you didn't see us trying to change the rules at that point. Hearings were manipulated to make it appear that public opinion was equal. We, including myself, who's on HHS, with two, two of these bills came through, were-- we, we deferred to the Chair in those situations and even stood up for the Chair in the process. You didn't see us trying to amend the rules at that point. Some senators were asked to stop talking questions-- or stop asking questions of testifiers. We're talking about step by step, attempting to stifle debate and the opinions of the people this bill will directly affect. Bills came out of committee unamended. I sat in the exec session for this very bill, LB574. No one was willing to bring any amendments. Senators have been strong-armed into voting for bills that they don't support. What happened on the day before Thursday, which is what we're talking about, the issues with multiple motions being filed, in order to, quote unquote stifle debate, was a large portion of the supporters of LB574 got into the queue and, and sort of controlled debate on Wednesday, which is within the rules. We heard wild conspiracy theories--

HANSEN: One minute.

DAY: --being touted on the floor. We had really awful, hateful things being said on the mike. You didn't see us motioning to amend the rules at that point. We tried to take the conversation back on Thursday, simply to try to protect the people that are going to be most affected by this bill. And what's happening now, is the only tool that we have, to stop pieces of legislation like LB574, you all are trying to change the rules on us. This process has been circumvented from the beginning of session. And now that you don't like what's happening, you're trying to change the rules. I yield the rest of my time.

HANSEN: Thank you, Senator Day. Senator Briese would like to welcome 13 4th graders, from St. Paul's Lutheran School, in St. Paul, Nebraska, in the south balcony. Please stand and be recognized. Senator Raybould, you are recognized.

RAYBOULD: Thank you. I just want to say thank you to Senator Wayne, for standing up and pointing out that what we're doing is really out of order. You know, when I was a kid growing up, in Lincoln and

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Lancaster County, I just remember my dad always saying, wherever we were traveling by car with my mom and dad and when we got close to Lincoln and we were just going to cross the border, where it says Lancaster County, my dad would always say Lancaster County, the county of law and order. But I think what we are doing today is really out of order and not becoming our Unicameral and not becoming a county that I am really, so proud of. You know, Senator Briese talked about that we shouldn't stifle debate. And I agree, in principle, with that, but what I really would like to see stifled is some of the hurtful, hateful bills that are brought before us. You know, Senator McKinney said it so clearly, that we should be focusing on legislation that helps Nebraska families. We need to be debating pressing issues like workforce shortage, affordable housing. There are so many great pieces of legislation that were-- we had hearings on, hearings on that would certainly benefit so many Nebraskans all across our state, looking to purchase their first home, creating more affordable housing for a workforce that we hope to attract and retain, child care-- child care is so fundamental to families in Nebraska. Affordable child care. Senator Linehan spoke very clearly about educational funding reforms. That is essential. That goes directly to our property taxes. Why aren't we focusing on that? We need to be focusing on criminal justice reforms. We're a state that has far too many people incarcerated and far too many people of color incarcerated. You know what really troubles me? When Senator Erdman got up and said he wished we would all stop whining, you know, using those terms in, in this body, it has no place. It really demeans the speaker and it, it truly demeans the body. You know, Senator Lowe and Senator Moser both said, very clearly, I wrote it down, we need to amend the rules. We need to amend the rules. And I agree. We need to amend the rules. But there is process and procedures. There is order to doing this, just as the debate has been going forward before everyone here, we follow the rules. We abide by the rules. If you want to change the rules, Senator Erdman, go ahead and file the motion with the Rules Committee, set up a hearing, invite the public to participate. Nebraskans have thoughts on this. We can change the rules. I'm happy to change the rules, if we all go through the proper procedures and order. And for us to overrule the Chair, that's the right thing to do. That is absolutely the right thing to do. So I ask you today, let's follow the rules. And again, I'm going to read the rules, just to make, to make sure-- we adopted the permanent rules, right here, in this orange booklet I'm holding. It says the permanent rules may be amended. They can be amended by three-fifths majority of the vote of the members elected, provided, provided-- there is a big caveat that they say provided. Any proposed amendment must first be referred to the Committee on Rules, for

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consideration and report. They generate a report, they come back to us and then we take action on that report. There's processes and procedures and I'm really proud that--

HANSEN: One minute.

RAYBOULD: --this Unicameral certainly follows those. We have been following the prescribed rules and procedures of debate. That's the way it works. That's the way it always worked in any governmental body. You must follow the rules of the Chamber. And I ask that we vote to overrule the Chair on this matter. The debate going forward is out of order. Senator Erdman can do the appropriate thing, refer it to the Rules Committee, set up a hearing, invite our fellow Nebraskans to offer their comments and participate and then, we can start suspending the rules. If we could file a motion to suspend the rules on certain things, that would be great. But like everyone has been saying, who are, who are lawyers and trained to talk about this in a more proficient way than I can, follow the rules, follow the rules of debate, follow the permanent rules that we all have voted on and adopted. Thank you, Mr. President.

HANSEN: Thank you, Senator Raybould. Senator Blood, you are recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in support of overruling the Chair. I have to go back to my freshman year, right now. When you are a freshman, you are given a sheet of paper and you are asked to give three choices as to where you want to sit in the Chambers. And I had only one choice, choice and that was to sit next to-- can I get the gavel? There's all kinds of chattering over here and I can't think. Thank you. I chose purposely to sit next to Senator Ernie Chambers. And the reason that I purposely chose to sit next to him, I believe that's Senator Hughes's seat now, is because I knew, from a very young age, that Senator Ernie Chambers understood the rules and how to utilize the rules to his benefit. And I also learned a lot about the body, because when Senator Chambers would slow things down, people on the mike would act tough and say things like this, this is not necessary and we have to keep moving forward and why aren't we moving forward? And then they would come to him and snivel. Please, Senator Chambers, my bill is next up. Can you just stop this so we can move on? And you would have been surprised how many people came to him and begged him to stop. And-- sorry. There's someone with their phone on over here. And it taught me a lesson. And the lesson is that people, which we already know as adults, aren't necessarily who you think they are on the mike, when

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you compare them to what they're doing behind the scenes. And I think that that's part of what's going on today. I want to go back to why I think all of this started. I believe Senator Cavanaugh believes that when you see something that's not right, not fair, not just, that you have to speak up. And that is what she did. And you may not like the fact that this was started because she felt such strong convictions, but our rules allow her to do this. And when you say something's not fair, you've already heard people say, well, yeah, the committees weren't fair this year. The way things were pushed through this year wasn't fair. You can't whine about one thing. And I know that no one-- Senator Raybould said she doesn't like that word, but there is people whining on the floor today. You got to, you got to figure out what's just, what's right, what's balanced. The one thing that we're not ever hearing is what's the end game. That's what I hear from my constituents. And maybe that's not what you're hearing, because maybe people just want to complain and you're not having the conversation. But when I talk to people, it isn't that we've drug things out, because this is not the first time this has happened, friends. It's that people want to know what the endgame is. To say that nothing like this has ever happened is not necessarily true. You know and I know that this Legislature has been slowed down many, many times and things still ended up getting done, because people decided to work together and not against each other, regardless of party, regard-- regardless of ideology and they got things done. So instead of trying to change the rules, which clearly you should not be doing in the middle of the, the session, why aren't we figuring out what the end game is and how we're going to resolve this? Because I will continue to support the fact that Senator Cavanaugh stood up for what she believed, what she--

HANSEN: One minute.

BLOOD: --believed was not fair, what was not just. Because it is the most marginalized people in Nebraska that we forget, frequently, when it comes to our debates and the bills that we pass. And we seem oblivious to the fact that these people need our help. And to utilize that on the mike as the reason why we need to move forward, is counterproductive. We need to move forward because we need to find our endgame and what does that look like and how do we get there? But I'm not seeing that from very many people right now and that's something I'd like to hear from you. With that, thank you, Mr. President.

HANSEN: Thank you, Senator Blood. Senator Dungan, you are recognized.

DUNGAN: Thank you, Mr. President. I rise in favor of the motion to overrule the Chair. I appreciate Senator Wayne articulating, I think,

what a number of us have sort of been getting at, not really dancing around, but sort of talking about the broad strokes. But I appreciated him, kind of, cutting to the quick, with regards to what the issue is with what we're talking about here. And at this point, we're, we're not even really talking about what happened last Thursday and we're not even really talking about sort of the, in my opinion, the ongoing filibuster or anything like that. I think we're talking about whether or not we, as a body, are going to continue to abide by the rules, as was just pointed out, that we adopted. And when I first came to this body, I was asking a lot of questions about, sort of, the process, the procedure. And everyone tells you, read the rule book. And it was surprising to me that there was not any sort of arbiter of what is correct and what is not, beyond how many votes you can get. And what I mean by that is, obviously, we have this, this rulebook in front of us that we are obliged to follow. But in the event that there's a suspension of the rules, which only requires, I believe, a three-fifths majority of the votes, then you can just do, essentially, whatever you want. But the rules do contemplate checks and balances on a motion to suspend the rules. And so, as was already pointed out, I believe, even by Speaker Arch, a motion to suspend the rules is not intended to just suspend the rules into perpetuity. It's intended to suspend the rules for a certain purpose. However, as I pointed out earlier, Rule 2, Section 2 delineates-- separates out a motion to suspend the rules and then a motion to amend the rules. Senator Wayne, I think, very articulate-- articulately stated what needs to happen, in order for that to go through its normal process and procedure. And I believe Senator Erdman stood up and said, yeah, we could do that. I just don't want to. And I understand the frustration. I understand the irr-- the irritation, again, that a number of people have with what's been going on in this body. I think everybody's frustrated for various reasons. Tensions are certainly rising. But to say, yes, there is a proper procedure that one could follow, I simply don't want to, I think is, is, is something I take issue with, respectfully. The language that we're looking at here, the motion-- and I've raised this with a number of people in the body here. It says, motion to suspend the rules, Rule 2, Section 2, Rule 3, Section 4(f), and Rule 7, Section 6: to provide that, for the remainder of the One Hundred Eighth Legislature, First Session, only one motion to postpone to a time certain, to commit or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition. So it starts with a motion to suspend the rules and articulates then, what rules it seeks to suspend and then it says, to provide that. My reading of that language is that it's not a motion to amend and a motion to suspend. It's a motion to suspend and then, "to provide

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that," it then gives the purpose for why the motion is being suspended. And so, as I was sort of saying the last time I was on the mike, even if this passes, I, I, I think it's just a, a, a motion to suspend. But for the person who is proposing this motion to stand up and say that this absolutely is a motion to amend and a motion to suspend, I think, is not only inaccurate as to how it's actually written, but I think it's especially problematic, that there is a, a blatant admission on the record that this is circumventing the process and procedure. The reason I think that having the actual hearing on this motion to amend would be beneficial is there are reasons to amend it and reasons not to amend it that I think the Rules Committee could hear and ask questions about. And I think there's legitimate debate, as to how this rule differs from the one that was previously heard.

HANSEN: One minute.

DUNGAN: Thank you, Mr. President. We've already pointed out the fact that the rule that was heard by the committee earlier in the session was limiting these to one person, not to the entire body. And I think, my rowmate, Senator Cavanaugh, pointed this out well, that what this proposed rule does is it binds other members of this body to the decisions that other senators make. And to have your ability to file motions on a bill limited by the decisions that other members of this body make, could be incredibly problematic. There are perfectly legitimate reasons for multiple people to file multiple priority motions on a bill. And so, to have your autonomy as a senator removed by the actions that somebody else takes, I think is very problematic and frankly, I think deserves or warrants a discussion amongst the Rules Committee. So for all those reasons, I would, again, ask my colleagues to vote to overrule the Chair. We can talk about the rule amendment, but I think it needs to go through the normal process and procedure. Thank you, Mr. President.

HANSEN: Thank you, Senator Dungan. Senator McDonnell would like to welcome 130 Jobs for America's Graduates, from across the state of Nebraska, in the south balcony. Please stand and, and be recognized. Senator Murman, you are recognized.

MURMAN: I yield my time. I think I actually dropped out of the queue.

HANSEN: All right. Thank you, Senator Murman. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. December 24-26, 1914, something quite interesting happened. Two armies faced each other across a

field. Many of their dead lie in the field. There were terrible conditions in the trenches on both sides of that field. That was World War I. One of the ugliest things that has happened in human history was that war. But on December 24-26, there was something called the Christmas peace. The armies negotiated a brief armistice, in which they did not fire at each other, but came together, ate together, drank together and played games together. Colleagues, that's what I want for us. I want a moment, in this time out of time, which is what a rule suspension is, to try to trust each other again. And I know there's no reason-- there were no reasons for those folks to trust each other. I saw a reenactment on a television program one time. And the first guy out there is going out with his hands up thinking, I'm probably going to get shot. I wasn't trying to say that I was the leader of anyone here. I do not think that I am. I'm saying I failed to lead, because I wanted to try to be one of those first people with their hands up, walking into the center of this war, which we have found ourselves in. And I said I would support the underlying rule change, although I think it is just as dangerous, because then all you have to do is be the first one to file any of these motions and you just withdraw them and then no one can bring them, even if they had an-- a real legitimate reason for bringing them. When we create rules, they can always be used as shields and as swords. I had this whole vision this weekend that-- so stupid, now-- that I would talk to all of you and I would say, let's give peace a chance. Let's at least get the procedure right. We'll go with you on the rule, but let's get the procedure right. I'll support the underlying rule change, but come with me on the procedure. I'm not going to use up my whole time and I won't speak again, on this entire rules change. I had said yield me time, but I don't know what the point is. I've made my point. This is something I will support if we do it the right way. Transcriber's, put this in bold. This is not a precedent for the future. Thank you, Mr.--

HANSEN: One minute.

DeBOER: --thank you, Mr. President.

HANSEN: Thank you, Senator DeBoer. Senator Ibach and Senator Jacobson would like to welcome 100 members of the Nebraska Association of County Extension Board, from across the state of Nebraska, in the north Balcony. Please stand and be recognized. Senator Briese, you are recognized. Senator McKinney, you are recognized.

McKINNEY: Thank you, Mr. President. I rise again, because we really have to think about what we're doing, especially when we're changing rules in the middle of the game, especially when you're in a position

of actually, majority, to change the, to change the rules. Like Senator Wayne referenced with the Final Four and those type of things, we have to be careful about that because if we start a process or we start a game or we start the legislative session and we have a set of rules and then, in the future, we're 30 days in and it's like, oh, it's not going right. Let's change the rules to make sure it, it works out. I think it's a super slippery slope for a lot of bad things to happen in the future, if we adjust the game during the game. It's just a fact. We, we have to be careful and protect what we, as a body, voted to operate as in this session. It's not ideal. I do have things that I do think are very, very important that need to get across the finish line this session. But we have to be careful and tread lightly that we do it in a manner that we don't subvert the institution and the rules. Take this somewhere else, you'll probably be able to get it anyway, but just let's do it the right, right way. And I, and I think that's all people are asking is, no matter if the change is happening or not, whether you're for it or against it, let's go through the proper channels to get it done. And so, it's just fair. That's what fairness is, going through the proper channels to get it done. And it's not about whether I like it or somebody else likes it. We go through the proper channels, we use the rules how we voted to use them during the session and we go that route. When we start adjusting the game in the middle of the game, that creates unintended consequences and probably, more issues down the line, maybe not in this session, but maybe, maybe next year or the year after. That's kind of where I'm at on this. So, thank you and I yield the rest of my time.

HANSEN: Thank you, Senator McKinney. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President. Oh, goodness. Lots of static today. I-- well, I was in the queue to talk on the rules change, but I'll speak to the motion here. I rise in support of the motion to overrule the Chair. I listened to Senator Wayne's comments about the process. And on, on just the single subject matter issue alone, it, it seems appropriate that we would be approaching this rules debate differently. Senator McKinney, I think, really, just said exactly what needed to be said. You can do this. You can do this by following the process set forth by this body. You can do this the right way. You can go through all of the right processes to make a rules change, if that's what the body wants to do. Or you can blow up the session. And I view a suspension of the rules to change the rules on day 51, on day 51, as blowing up the session. If that's what 30-plus individuals in this body want to do, then that's what they want to do. We have become lackadaisical in our fidelity to the process. I appreciate Senator

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Wayne coming this morning and making the point that we aren't doing this the correct way. I think a lot of people have made the point this morning that we're not doing this the correct way. And mostly, this is just being done as retribution to my efforts to filibuster the session. And it does not really change, dissuade, minimize my efforts. I will just pivot to a different effort. Until you have dismantled the entire rule book, page by page, line by line, I will find a way. If that is what this body wants to do, then that is what this body wants to do. You are the ones that will look foolish in history, that you couldn't govern and lead and be true to the spirit of your own rules, without dismantling your own rules. I will continue. This doesn't stop me. This does take up extra time that we could be debating bills. This does support what I am attempting to achieve, which is less time for legislation. I hope the irony of that is not lost on this body. I am happy to have a rules debate this morning. I am happy to have a rules debate this morning. I do not need to be working on a bill this morning. This is fine. If this is how you all want to spend your time, this is terrific. You are giving me disproportionate power in this body. By constantly reacting to how I am conducting myself in this body and trying to change the entirety of how this body conducts itself, you are giving me disproportionate power. That's fine. I'll take the power if you want to give it to me. You want to give me the power? I'll take the power. Thank you, Mr. President.

HANSEN: Thank you, Senator Cavanaugh. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. I stand in support of the rule suspension and I will not be overruling the Chair. Why are we here? Why are we here? Well, for those of you at home, really can't see this, but for those of you in the balcony, for those of you who have been in the Legislature, there's a little monitor that we have, up in the front of the, of the floor, here, that has the queue on it, who's speaking next. There's also a couple now in the back of the, of the floor that people can see, that are closer for those in the back. And last week, the queue was fully loaded. We had everybody that was willing to speak listed up there. In the past, Senator Chambers and a few others have used priority motions, motions to skip to the front of the queue to make a point. But last week, they used it to stall, completely, a full day, a full day. And not to make a point, but just to talk, which is a one-sided story. Because they dropped 15 priority motions and then withdrew them, not intending for them to go to a vote, ever. That's a stall tactic. And to say that we are wasting a day by discussing the rule suspension today, well, they want us to take it to a committee. And what would we be doing today? They'd be filibustering a bill today. We wouldn't be getting any further, so

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don't let that come up. We would still be talking about the same thing. We're not talking on the bills. We haven't been talking on the bills. They have just been filibustering. They have not been, at all, talking on the bills. So I'd like to see us come to a vote on this. There are only two more in the queue. So thank you, Mr. President.

HANSEN: Thank you, Senator Lowe. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr., thank you, Mr. President. I rise in, first of all, opposition to the motion to overrule the Chair. I do support the-- yeah, I'm not sure what-- there we go. Do something with it. There we go. Now, it's on. Well, I-- pardon me? What are we doing? It works now? We're good? OK. So you can hear me. That's a bad thing or a good thing. All right. So, I'm rising in, in opposition to the motion to overrule the Chair. I do support the motion to suspend the rules. I want to take us through a little bit of perspective, right now, on where we've been, how we got to where we are. OK. Probably started with elections. I'm part of 17 new freshmen that came into this body. And all of our constituents voted this past November. And they selected people that were to represent their views in this body. And I know, for one, my-- I know what my constituents asked me to do. I knocked on roughly 5,000 doors. I heard some very strong concerns that they had. They wanted taxes reduced, particularly property taxes. There was a strong feeling on abortion reform. I have a strong pro-life group of constituents that also matches my personal views. I can tell you that the views across the state vary. And so, for anyone to come in here and say, this is how I feel and if I don't get my way, I'm going to shut down the session, I think, is problematic. And I don't think we're being collegial and caring about all of our colleagues and allowing the process to work, which as I've heard, all of this talk talked about is let's let the process work. Well, the way the process works is, is not gaming the rules. This started, to begin with, on the Committee on Committees. I don't know of any rules that were violated on the Committee on Committee report. But remember all the outrage we went through on the Committee on Committee reports and recommit to committee and all of the things that were done there, to object to that. Every step of the way, we've had obstacles. Never before. I was here for part of last year. And it was content--contentious at the-- towards the end of that session. And I can tell you, I never remembered having a call of the house to do a roll call vote to adjourn the session. I didn't see that before. It's a voice vote, typically, to adjourn to the next day. But yet, we've had delaying tactics all along. Then we got LB574, very controversial bill, strong feelings on both sides of that issue. And guess what? An amendment was brought that would significantly change that bill, to

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where the only thing that would happen that would be restricted is surgical procedures on a minor. But yet, nobody wants to talk about that, because it was blocked. It was blocked by those who are concerned about the bill, because they want the bill in its entirety to be voted on. So we voted on it. We had the opportunity to change it. Still have the opportunity to change it in the next round or we're going to take it to the finish line. That's what's holding the session up right now. That's why this rule change is necessary, because my constituents and all of our constituents want other things done. We didn't come down here for a single issue.

HANSEN: One minute.

JACOBSON: We've got other work to do and we need to do that. This is not going to end filibuster, as we understand it. If your goal is to sit here and blow up the session, go for it. OK. I'm not sure that's what your constituents want. I know it's not what mine want, but I'm, I'm going to have to concur with Senator Lowe. If we weren't arguing about this rule change, we'd be filibustering other rules. So at some point-- and it all culminated with last Thursday, we reached the point where it's time to do something different. And that's why we are where we are today. Thank you, Mr. President.

HANSEN: Thank you, Senator Jacobson. Senator Hunt, you are recognized.

HUNT: Thank you, Mr. President. Colleagues, a lot of you speak with your mike like this, horizontal, in front of you. And I think esthetically, that looks better, for sure, but the receiver is not the length of the Styrofoam microphone. The receiver's in the tip of the microphone. And so, if you put it like this, there's several of you who do this and I can never hear what you're saying. So, Senator Jacobson, that was the problem with your mike, not that it wasn't on. We are blowing up this session. The session is over. The session is over and it's on your terms, because the terms were made clear to you, for the last 4 to 6 weeks. And you ignored that. You didn't care. Hating trans kids in Nebraska was more important to you than the rest of this entire session and that message is received loud and clear. Senator Jacobson, nobody wanted to talk about his little amendment. Well, we're never going to get to your amendment, Senator Jacobson. We're never going to get to your hateful, bigoted amendment on your hateful, bigoted bill, because it's not going to come up because the session is over and we're blowing up every single bill. How could you do that? That's not what my constituents want. We told you, over six weeks ago, this was happening. You had 100 opportunities to act different, to deal, to negotiate. The numbers of meetings we had over

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the weekend, people calling us, constituents calling, going, how can we support you? You must be exhausted. How can we help you stand up for LGBTQ youth in the community and in Nebraska? They're right. We're exhausted, trying to negotiate with you, when you're not bringing anything to the table. So don't blame this on anybody but yourselves. It's not Senator Machaela Cavanaugh's fault, it's not my fault, it's not Senator Conrad's fault, it's not Senator Day's fault. It's nobody but your own, because the terms were made completely, explicitly clear to you and you supported that bigoted bill anyway. I came in here thinking the whole session was going to be about abortion. That's what I was expecting, over the past year. You know, when we defeated the abortion ban last year, that blew everybody's minds, mine included. I can't believe we did that in Nebraska. I was very proud. And when we didn't have a special session to ban abortion, I was very proud of that. I thought that there's no way that Senator Pete Ricketts would leave the, the Governorship without getting that done for his state. But he did. And that was a massive win to me. And we expected at least one type of abortion ban to be introduced this year and at least one was. And I think I and a lot of my like-minded colleagues in the Legislature, I won't say Democrats, because it doesn't work that way here. We all thought that that would take up most of the oxygen this session and all of the mental, intellectual calisthenics I was doing over the interim and leading up until we came into session, in January, was to prepare for that. But I was completely wrong. It's the ban on trans healthcare that's taking up all the oxygen this session. Senator Jacobson brought up that this started with Committee on Committees. Yeah, it did. And you know what, Senator Jacobson? You were part of the problem then, too. Because you were on Committee on Committees and we were-- when we were sitting in that hearing room figuring out who's going where, you admitted, in front of God and everybody, that you never even looked at anybody's preference sheet. That is the evidence and the proof, right there, in one sentence that you said, that we are not thinking critically or independently about the gravity of the responsibility we have in this body. You're taking marching orders from day one. You don't need to look at the preference sheet, Senator Jacobson, because you already know who's supposed to go where on these committees. So we can crack them and pack them--

HANSEN: One minute.

HUNT: --bring out all of the different bills that we want to bring out and then, when people oppose that, then you change the rules. You guys can't stand to be uncomfortable for one minute. And you did get to speak on the trans healthcare ban. You all spoke and you said very hateful-- you said very untrue, literally medical misinformation. And

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then, calls to the suicide hotline in Nebraska, of trans youth, skyrocketed that day. That's on you. One of you needed to be not voting and you couldn't have the courage to do that. Some of you were trying to bring a spreadsheet to a knife fight. This isn't a intellectual, psychological, theoretical exercise about rules are and aren't, this is a fight for human rights that are hanging by a thread in this state and the session is over. Thank you, Mr. President.

HANSEN: Thank you, Senator Hunt. Senator Wayne, you are recognized to close on your motion to overrule the Chair.

WAYNE: Thank you, Mr. President. Colleagues, I coach a lot of youth sports and I'm not comparing us to youths, although sometimes, I don't know if we're in high school or elementary, depending on the day. But I used to always tell, even my high school and college kids that I coach, that, you know, once you score, act like you did it before. Act like it's not a surprise and you got to hang on the rim after you dunk or you hit a three, you have to talk trash all the way down the court. Like, act like you've, you've know how to score and you scored before. It just looks so much, I always use the word smoother, but that's-- I'm a little aged now, I guess. We know filibusters are going to happen and even the introducer of this rule change will admit that you're still going to filibuster, so it doesn't stop that. And in fact, it doesn't stop, which we've always seen, whoever punches in the queue first-- I remember the gang of 27 or whatever that was, but they would line up the queue for the first 20 people and you wouldn't get to hear. There's still ways to make sure another side is barely debated on, on any issue, whether this rule changes or not. But what I'm a little leery of is setting a precedent that, when we don't like it, we're not just going to suspend it, we're going to amend it. And everybody up here can read this rule change and realize that it is a motion to suspend and amend at the same time. You don't have to be an attorney to read that. And the easiest thing to do is when you have the votes, to pause and withstrain yourself from just going with the vote. Because you know you have the votes to do it. But that doesn't make it right. And I don't even want to use the word right. That just doesn't-- I don't even want to use the word fair, because all of that deals with kind of moral and whatever and it ain't even about that. What-- just read the rule. The rule that should be suspended is 2.2. And the following motion after that, should be to amend the rules and add this amendment. It should not be a combined motion. And if we were to step back and if this would have happened on day 15, after a rules hearing, you would all agree. But we're making an emotional decision. And when you make emotional decisions, whether they are right or wrong, they always get perceived as not right, just facts. There was

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an emotional decision to split OPS, on an amendment on this floor. Whether that was right or wrong, we never get to that debate, because it just seemed weird, irregular, not part of the way we do business down here, regardless of data showing that over 55,000 kids is not usually the best school district. It's around 25,000-30,000. That goes out the window because we dealt with emotion. We deal with irrational thoughts when we're emotional and we just want to fix it, because we're tired of listening to debate. I submit to you that if you go through the process, I would probably be on the other side of this rules debate. I don't-- I think once something is on the board--

HANSEN: One minute.

WAYNE: --and you pull it just to pull it, that's probably wrong. But there's a way of doing it. And you heard the introducer of this rule say it in his own words, this is a big change. You heard Senator Briese, our Exec Board Chair, say any time we change the rules, it is a big change. So why not have a hearing? And why not break this out? Why not vote to suspend the rules and vote to amend the rules? Nothing changes but you delay it by one day. So, colleagues, I'm asking you to step back from your emotion. I'm asking you to step back from the frustration and not just preserve this institution whether you think it needs to be preserved or not, whether you respect this institution or not, but respect how we got here and who is-- and, and where we are today. Vote yes on overruling the Chair and let's do this the right way. Thank you, Mr. President.

HANSEN: Thank you, Senator Wayne. This motion will require 25 votes to be adopted. There's been a request to place the house under call. All those in favor vote aye; all those in favor vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 5 nays to place the house under call.

HANSEN: The house is under call. Un, un-- all unexcused senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. While we're waiting, Senator Jana Hughes would like to welcome her mother-in-law, Virginia Hughes, brother-in-law, Doug Gremel, and sister-in-law, Vicki Gremel, from Seward, Nebraska, sitting underneath the south balcony. Please stand and be recognized. All unexcused members are present. There has been a roll call vote in reverse order. Mr. Clerk. This is on a motion to overrule the Chair.

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CLERK: Senator Wishart voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator von Gillern voting no. Senator Vargas voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Riepe voting no. Senator Raybould voting yes. Senator Murman voting no. Senator Moser voting no. Senator McKinney voting yes. Senator McDonnell voting no. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting no. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting yes. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting no. Senator Halloran voting no. Senator Geist voting no. Senator Fredrickson voting yes. Senator Erdman voting no. Senator Dungan voting yes. Senator Dover voting no. Senator Dorn voting no. Senator DeKay voting no. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar voting yes. Senator Blood voting yes. Senator Ballard voting no. Senator Armendariz voting no. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar. Vote is 16 ayes, 32 nays, Mr. President, on the motion to overrule the Chair.

HANSEN: The motion fails. Clerk, for announcements. I raise the call.

CLERK: Mr. President, some items. LB91-- excuse me. Your Committee on Transportation and Telecommunications, chaired by Senator Geist, reports LB91 and LB688 to General File, both having committee amendments. Additionally, new LR from Senator Brandt. That will be laid over. The Appropriations Committee will hold an executive session on March 28, 29, 30 and 31, in room 1307, over the lunch hour. Finally, Mr. President, a priority motion. Senator Geist would move to recess the body until 1:00.

HANSEN: The question before the body is to recess until 1:00. All those in favor say aye. All those opposed say nay. We are in recess.

[RECESS]

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

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

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HANSEN: Thank you, Mr. Clerk. Do you have any time for the record?

CLERK: I have no items at this time, Mr. President.

HANSEN: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda. Mr. Clerk.

CLERK: Mr. President, pending is the motion from Senator Erdman to suspend the rules. Rule 2, Section 2; Rule 3, Section 4(f) and Rule 7, Section 6, and provide that for-- to provide for the remainder of the One Hundred Eighth Legislature, First Session, only one motion to postpone to a time certain, to commit or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition.

HANSEN: Senator Wayne, you are recognized. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I think some people thought that lunch was at 1:30. This is the first day that we are back at 1:00. And we clearly had a quorum quickly and we're moving things quickly. So I'm sorry to Senator Wayne for that. So here we are, the rules suspension to change the rules. Colleagues, I am at a loss at this point. Nothing I have said this entire session has seemed to even been heard by most of you, let alone resonate with you. You continue to not understand why I'm doing the things that I'm doing. You continue to blame me for how the session is going, as though none of you have any other responsibility, as though the leadership didn't decide, pre-ordain most of this from the beginning of session. The lack of responsibility in this body is astonishing. But I am certain that the majority of you down party lines will vote to suspend the rules because the majority this session, if there is a theme of this session besides human rights violation, it is to suppress the minority's voice. It is to suppress free speech. At every turn, the majority has sought to suppress the minority in this body. This is just another attempt to suppress the minority as punishment for one. I know that this is punishment against me. You all know that this is punishment against me. And I have said this morning, I have said to colleagues over the weekend, this does nothing to hinder my ability to do and achieve what I want to do and achieve nothing. The only thing this does, the only thing this does is disrespect the institution and the people of Nebraska. Circumventing the public hearing process is disrespectful to the people of Nebraska. You will not achieve your goal to silence Senator Machaela Cavanaugh when you vote for this. And that is fine by me. If you all want to look like you have no control

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except for to penalize one person who is standing up for civil rights, for human rights violations, go for it. Try to silence me as I stand up for trans kids. Keep doing it. Keep fueling my fire. Please. Keep showing me that the harder I push, the harder you try to penalize me, I know I'm doing the right thing. I know I am standing against injustices in this state and in this country. And you want to push me down. You want to silence me. It's not going to happen. Vote for this. Please vote for this. Please continue to tell the people of Nebraska, please continue to tell the trans people of Nebraska that you want to silence the--

HANSEN: One minute.

M. CAVANAUGH: --minority. Because you don't know how to play by the rules, you have to change the rules. I know how to play by the rules. I know how to play by the rules that we have today. And I know how to play by the rules we have in 20 minutes from now. I know how to play by the rules and I will continue to play by the rules. You don't like how I use them, too bad. I don't like how you use your positions of power. Too bad for me. Thank you.

HANSEN: Thank you, Senator Cavanaugh. Senator Hunt, you're recognized. Senator John Cavanaugh, you are recognized.

J. CAVANAUGH: Thank you, Mr. President. So we're back to the motion to suspend the rules for an amendment to the rules. And I know, everybody, we've had this conversation. But I guess to rehash a little bit, this functions more like an amendment to the rules than a suspension, because we're amend-- we are suspending for a specific amendment. This is a motion being made by the Chair of the Rules Committee who controls whether or not the hearing is held and how quickly and how quickly it gets reported out and supported by the Speaker who has the ability to schedule it. So this is a question of expediency, and I don't think anybody is-- has illusions about what's going to happen here, how this rule change is going to go into effect. But there's been a number of people who've stood up and talked about precedents from previous sessions and said, well, they did this and they did that in previous sessions. So other sessions in the future might look back on this and say, well, they did it then, so it must be OK. Even though we could do it the right way and we could follow the procedures set out by this body many times before for what is the appropriate way to make a rules change. I know I've told this story many times, but it's one that I like and I think it's appropriate here. It's the story from the play and movie A Man for All Seasons, which is about St. Thomas Moore, who was a principled theologian and

lawyer who stood against the king of England when he sought to change the rules and moved from the Catholic Church to the Anglican Church. And his-- he had a interloper or a spy in his midst, and his son and daughter were counseling that he should have the man arrested. And St. Thomas Moore says, Sir Thomas Moore, I guess at that point in time, says, what should I arrest him for? And he says he's violated no law. And the son says, he has violated God's law. And he says, well, we are ruled by the laws of England and not God's law. And he says, would you cut down-- cut a path through the laws to get to him? And he said, yes, I'd cut down all the laws in England to get to him. And he says, St.-- so, Sir, Sir Thomas Moore responds, I wouldn't cut down any of the laws. Or would-- he says, would you cut down the laws to get to the devil? And he says, yes, of course I would. And he says, so I wouldn't cut down any of the laws to get to the devil because when the devil turns right back around on me, I would like the protection of the laws. And so if you cut down all the laws to get to the devil, when the devil turns back on you, how will you stand in that wind that blows? And what he's setting up there obviously is an argument where he's saying even the most meritorious of objectives, to capture and contain the devil, should still be afforded the rights and protections of the law and due process. And that's a principle we've upheld in this country forever. For that reason that, though we are certain that the laws-- that the outcome is one that we like or that we think is just, we need to use the appropriate process in the event that someone would want to use it against us. Because we hope to have those protections. And I've said this many times this year and last in different examples where we've tried to subvert the rules, and I know it probably falls on deaf ears today just as it fell on deaf ears previous times. But it's something that I think that particularly the new people around here should understand is that a subversion of the rules may seem OK right now because everybody wants to get something done. People want to move more quickly.

HANSEN: One minute.

J. CAVANAUGH: Thank you, Mr. President. But those of you who are new here have yet to have the privilege of having something, a subversion, a perversion of the rules used against you. And maybe it won't happen in your four or eight years here, but most people will have some point in which they feel that the rules have been used against them in an inappropriate way. Or that somebody has subverted the process and you want the protections of those rules. And so you might not see that happening now. But just remember, when that time comes that you stood and said we should change the rules for expedience's sake. Thank you, Mr. President.

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HANSEN: Thank you, Senator Cavanaugh. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. Good afternoon. So I'll just go over briefly what exactly we're trying to do here. I'll read the current rule and then I'll read it in its change to position. No motion to postpone to a time certain, to commit or postpone indefinitely shall be dec-- shall be being decided shall again be allowed on the same day, at the same dage-- same stage, a bill or proposition. And we're changing that to say the following: No motion to postpone to time certain, to commit or to postpone indefinitely shall be offered on the same day at the stage-- same stage of the bill or proposition. That's all we're doing. And so several people have stated that this will have no effect on what happens as far as filibustering, and this has no effect on what I will do. Well, let me ask you, why would that person call me and ask me to withdraw this amendment? Why would anyone who says this will not affect the way they do a filibuster stand up and speak against the motion. If it is in fact not going to hinder anything you do, why are all your lights on? Seems quite obvious that that's not a true statement. You seen the vote to overrule the Chair? I believe that's an indication what's going to happen. This is not an amendment to stifle somebody's ability to speak on a bill. This is not trying to stifle the minority. If that would have been the case, we'd have shut this thing down two months ago. We didn't do that. So I think you've had fair and ample time to discuss whatever it is you wanted to talk about. So I think it's time that we move on. And I appreciated the vote that you took-- or we took earlier and you did not overrule the Chair. And so we get a chance to vote on this, I believe you'll support that as well. So we'll hear from several more people who want to tell you how this is not necessary, how the minority needs to be respected. And I can tell you what, we respected the minority quite a bit for 51 days. Elections have consequences. And so sometimes you just have to admit it and move on. So vote for the rule change and let's get something done. Thank you.

HANSEN: Thank you, Senator Erdman. Senator Raybould, you're recognized.

RAYBOULD: Thank you, Mr. President. I stand in opposition to the rule suspension and the change of rule because I still think it's out of order. And I'd like to ask Senator Erdman a couple of questions, if I may.

HANSEN: Senator Erdman, will you yield?

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ERDMAN: Yes.

RAYBOULD: Thank you, Senator Erdman. Can you tell me who is the Chair of the Rules Committee?

ERDMAN: I am.

RAYBOULD: And then if there are any rules changes proposed, where do they go?

ERDMAN: They go to the-- they're introduced and they're sent to the committee. Sent to me.

RAYBOULD: They're sent to the Rules Committee if there's going to be any changes to the rules. So we're changing the rules. And I, I just wondered why you, as the chair of the Rules Committee, didn't appropriately call a hearing on a significant change in the rules.

ERDMAN: It's my prerogative.

RAYBOULD: It's your prerogative.

ERDMAN: Yes, I'm the Chairman.

RAYBOULD: And so typically with a rules change comes with an opportunity for people in Nebraska that are watching to actually testify, provide you their concerns and thoughts on this change of rules.

ERDMAN: We had a--

RAYBOULD: Is there--

ERDMAN: We had a hearing on this bill. On this amendment.

RAYBOULD: No. No, sir. I don't believe you had a hearing on changing some of the rules that you are proposing to change to limit. And, and I'm going to ask you a couple of questions on this, if I may, so I can better understand. So there's only like three motions that we can introduce, like-- and is it only one motion per day per person or how does that work?

ERDMAN: There will be one, one of these priority motions can be used per day in the round of debate.

RAYBOULD: So only one and not all the three that are listed?

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ERDMAN: Say that again.

RAYBOULD: So they have three-- is says only one motion to postpone to a time certain, to commit or to postpone indefinitely shall be offered. So you can only do on any, any motion-- any discussion, we can only offer one of the three and not--

ERDMAN: That's correct.

RAYBOULD: Only one of the three?

ERDMAN: You can do-- you can do all three of them, but only once.

RAYBOULD: I personally can do all three or every member of the body can do all three?

ERDMAN: Any one-- any senator, if it's used by one senator, it can't be used by another.

RAYBOULD: OK. So it's only-- it's like a one and done, right?

ERDMAN: That's correct.

RAYBOULD: And again, so the question I'd like to ask, if I may, is why was not there a hearing on this specific matter for our fellow Nebraskans to weigh in on their thoughts?

ERDMAN: I didn't hear you. Can you get closer to the mike?

RAYBOULD: Yes, sir, I can. The question to you is, why as the Chair of the Rules Committee did you not want to have a hearing so that Nebraskans could weigh on this specific type of rule change that I have-- I'm just now hearing about it. You said it's one and done. One and done for a debate on the entire--

ERDMAN: No.

RAYBOULD: --issue.

ERDMAN: No, not at all.

RAYBOULD: OK.

ERDMAN: It's you can use that motion, that priority motion one time each day on each round of debate. One time. Has nothing to do with limiting debate. You can still talk about the bill and debate the bill. This is just an opportunity for you to use bracket, indefinitely

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postpone or recommit once per day by any senator. Once it's used, it can't be used again.

RAYBOULD: OK. So you just said once per day and then you said once per round. And so I'm a little confused on it.

ERDMAN: OK.

RAYBOULD: I want to have a little bit more clarification.

ERDMAN: Let me help you with that.

RAYBOULD: So, like, for example, if we are doing a filibuster, which typically is 8 hours.

HANSEN: One minute.

RAYBOULD: It's-- thank you, Mr. President. Is it only one per round, meaning one per three-hour session that we might be able to do this motion? Or is it once per day? Or is it once per round? I can't even tell what this is referencing.

ERDMAN: OK. You want me to help you with that?

RAYBOULD: Yes, please.

ERDMAN: Here we go. On General File, it's used once per day. So if General File last two days, you can use it one day and then the second day. On Select File, you can use it once. And if Select File last two days, you can use it twice. Every day that it's up for debate on that stage of debate. So if General File last two days, you can use it two times. But it can only be used once a day on each round of debate. I don't know how I can make it much more plain that.

RAYBOULD: Well, I'm-- I don't think that's what it says in what you've proposed so--

ERDMAN: OK, well I'll [INAUDIBLE]--

RAYBOULD: So I would, I would--

HANSEN: That's time, Senator.

RAYBOULD: Thank you, Mr. President.

HANSEN: Thank you, Senator Raybould and Senator Erdman. Senator Dungan, you are recognized.

DUNGAN: Thank you, Mr. President. Colleagues, I think the questions that Senator Raybould was just asking highlight some of the concerns that I think some of us have had with this. I'll be frank, and this is not a ploy, when I read this proposed change or this suspension or this motion to amend and suspend, I was very confused. And I actually, Senator Erdman, appreciate the clarifications. And I know Senator Arch was trying to clarify this earlier today. I believe that a plain reading of this rule means that you can only do one motion to postpone or a motion to commit or a motion to bracket. I think that saying this, this or this, the or is the operative term, that means it's one of those three. So if the intent is to be able to have all three of those allowed on each day of each stage of debate, I think that it would need to be amended. I think that the intent of the introducer is not the controlling thing. The language of the, of the rule, I think is controlling. And I think that that, that's what that says. It's this, this or this can be introduced. And so I think that that's part of the issue here. This got dropped on everybody, you know late in the week and we've had a weekend to look at it. I was having back and forth conversations with folks outside of this body, friends of mine who were curious what it said and they were looking at it and we couldn't agree on what it meant. And again, this isn't telling a story to make a point. It's true. People were very, very confused by that. So this is why I think we need these hearings and this is why we need, as Senator Wayne had previously pointed out, both the hearing on the amendment change-- or the amendment to the rule change, as well as the suspension. Going back to the rule book, it says in Rule 2, Section 1(b), that in the absence of a controlling rule to cover the specific situation and in the absence of a controlling custom, usage or precedent that we can look at Mason's Manual of Legislative Procedure for guidance and that that can be binding. I think given the fact that there is no rule that specifically speaks towards a suspension and an amendment, and we've highlighted that time and time again, I don't have to keep going over that. But what's being introduced here is a motion to suspend and to amend, not just to suspend. So I think that by our own rulebook we are guided over to Mason's Manual. So I pulled that up because I was curious. And Section 279 of Mason's specifically speaks towards the purpose of suspension of the rules. And it says, the purpose of suspending the rules is to give a deliberative body the liberty to follow whatever course it may choose unhampered by any provision of its rules. First of all, I think that should give us pause. But continuing on, it specifically says that when a body wishes to do something that cannot be done without violating its own rules and yet which is not in conflict with the Constitution or with any controlling statutory provisions, "it suspends the rules that

interfere with," that's in quotes, "it suspends the rules that interfere with the proposed action". Suspension, and this is important, colleagues, and please, please listen to this. Suspension differs from amendment in being limited in scope and in time. A change in rules which would be in effect for more than a very limited period of time, or which would be general in its application, would in effect be an amendment to the rules and not a suspension. What we're talking about here is a modification of the rules for an extended period of time, the rest of this session. That is by definition in Mason's, not an amendment-- or not a suspension, it's an amendment. And so that difference is incredibly important. And that's why our own rule book differentiates a suspension and an amendment. And so for the introducer of this rule change to get up and say, yes, I'll admit it, this is an amendment. It circumvents the entirety of what this entire procedure is intended to effectuate. And it says, for this reason, the object of the suspension must be specified and nothing which was not mentioned in the motion to suspend the rules can be done under the suspension.

HANSEN: One minute.

DUNGAN: Thank you, Mr. President. So, again, the thing that we should look at here is the underlying intent. And our own rules indicate that Mason's is what we should be looking at in this circumstance. And it specifically says that it has to be limited in time and in effect. And so to suspend the rules for the remainder of the One Hundred Eighth Legislature, First Session, is not limited in time. That is inherently problematic. It is not a rule suspension. This is a motion to amend the rules. It has not gone through the process that a normal motion to amend the rules should take. Colleagues, please, please, please think about what you're doing here. Think about what you're voting for. I understand there's frustration. We can still get a change, I imagine that a change would likely still occur. But let's follow the process. Let's follow the procedures. That's what we were sent here to do. And I would ask you to vote against this rule suspension. Thank you, Mr. President.

HANSEN: Thank you, Senator Dungan. Senator Machaela Cavanaugh, you are recognized and this is your third time.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, it is not Senator Erdman's prerogative as to whether or not to have a hearing. Rule 3, Section 4(f) clearly outlines that how a Chairman is supposed to conduct having a hearing. I did offer to offer zero motions for the remainder of session if we didn't have this rules debate, not because

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this impacts me in any way, shape or form, but because I care about the institution and I care about the precedents, the really, really terrible precedents that doing actions like this have. And there will be consequences because there's always consequences to our actions. So, yeah, I don't care. Vote for it or don't vote for it. I just care about the institution. That's why I offered to make zero motions for the remainder of the session. That was not well-received. And I would like to yield the remainder of my time to Senator John Cavanaugh.

HANSEN: 4:05.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Machaela Cavanaugh. So, well, I was going to jump, jump off of what Senator Dungan was saying. And again, it's rowmate, not roommate, not "bromate". It's r-o-w-m-a-t-e for everybody who's at home who keeps emailing and saying, why do you guys say that? So I'm sure-- I'll try and stop saying it, but I can't help myself. So I appreciate the-- Senator Dungan's analysis of the Mason's Manual, I read some of the similar things. And Senator Machaela Cavanaugh's analysis of the Rule 3, Section 4(f), and the operative word there is the committee "shall". Let's see. The-- all proposed rule changes shall be set for a public hearing within five legislative days after the referral to the committee. The hearing shall take place with with-- within 15 legislative days after referral and the committee shall take final action on the proposal within 10 legislative days after the hearing-- hearing. So what Senator Machaela Cavanaugh was pointing out there is Senator Erdman was questioned by Senator Raybould as to why this didn't have a hearing, and he said it was his prerogative as Rules Chair, which is not true. The rules clearly state if you have a proposal amendment to the rules, that it shall have a hearing within a certain number of days. Which means he could have set a hearing sooner than that as Rules Chair. That's his prerogative, is to do it in less time than is mandated by the rules. But we're having a whole conversation here about partly whether this is the right way to do it. And it's not, which is obvious, but some people want to do it that way. But another part of it is the reason this isn't the right way to do this is there is some question about what exactly this will do, how it will function. Which are the reasons you want a hearing, so that you can parse out, have a conversation, ask questions. The members of the committee could ask questions of the introducer. You could bounce back and forth. You could analyze it. So the conversation, again, that Senator Raybould had with Senator Erdman, Chairman of the Rules Committee, was about what effect this will have. And I think after some back and forth, the takeaway is there are three types of motions that this seeks to limit. And those motions, to postpone to a time

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certain, a motion to commit, and a motion to postpone indefinitely, can each be offered on each round of debate on every bill on a day. Which means when we had three rounds of debate last week-- or three days of debate, each of those amendments could have been offered on each day, regardless of who the senator is. Which means the motion is the limiting factor, not the senator. So only one senator. So if I offer a mo--

HANSEN: One minute.

J. CAVANAUGH: Thank you, Mr. President. If I offer a motion to indefinitely postpone, someone else can offer a motion to commit and somebody else can offer a motion to, to postpone to a time certain. But those three motions are the only motions that then can be offered. No one can offer another motion to postpone, indefinitely postpone. And I can't offer another motion to postpone. I can offer all three of those motions. So that is some of the confusion here. And that's one of the reasons we need to have a hearing and have this go through the appropriate process. So when it comes out, the introducer could stand up and speak with clarity about what this is so everyone agrees and understands what we're talking about here. But in our haste to force this, to get moving, we are, we are having a debate about something that there seems to be a difference of opinion about what it will do. So that is something, a really important reason why we shouldn't be doing it this way. And I think I'm pushing my light, so I'll get to talk again and I can try and clarify. Because this is apparently causing some confusion.

HANSEN: That's time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

HANSEN: Thank you, Senators Cavanaugh. Senator Vargas, you are recognized.

VARGAS: Thank you very, very much. Yeah, I'd add the same concerns that Senator John Cavanaugh are bringing up. And for those that have been reading the rules book, you know, the hard part about this is, and we've, we've been just discussing this, one is suspension. On whether or not the rules may be suspended by a three-fifths majority, that's not amendable or divisible. And then that the rules can be amended. But it clearly states any proposed amendment must first be referred to the Committee on Rules for consideration and report. So if this is indeed an amendment, then it's something that we should have a hearing on. Let's put aside what the outcome will be at the very, very

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end of this. Let's concede that for Senator Erdman, which I don't disagree with him, it might have the same outcome. That has not deterred us or changed the way that we operate in this body. There are times where we've had bill debates on legislation that has gone to cloture, where we knew that, you know, one individual did not have enough votes to actually pass the bill. But we went the full eight hours of cloture. We either had the debate or there was the back and forth on motions. It's not a reason to then not do something like-- at least that's my opinion. But there's-- it is extremely confusing. I encourage people, my colleagues, to read Section 2 and to answer the question for themselves, is this if-- are we treating this just as a rules suspension or are we treating this as the amendment? And if so, why are we disregarding what the plain language says? The second thing that I'm concerned about is on the language itself, which is if this is not amendable, then we really do need the hearing to then seek through if there's better language to get to the intent of Senator Erdman or the intent of what he's trying to accomplish. Because I want you to think about a time in a day for a bill where there may be a reason outside of just utilizing the motion to actually utilize the motion. I know there have been times where we actually have postponed to a time certain for a bill to buy us more time on a very important, sometimes contentious bill. Sometimes we've done that for some tax bills. Sometimes we've-- I think we did that even during the pandemic, the beginning of the pandemic for certain bills. Where we were pushing back something for a couple of weeks to a certain time. And if that is indeed utilized in, in a way, as part of a filibuster, we wouldn't have the ability under this rule to utilize it to push something back to a certain time. We'd have no ability to do it if we actually needed it for that said purpose. And the same thing with an IPP. I can reference several bills that have been IPPed in the past through motions, even on the floor. I've had a bill of mine that was IPPed, and the intent was to actually IPP the bill. And they wouldn't have the ability to actually use that to vote to IPP the bill. We could be putting ourselves in a scenario where we might need to IPP something or to commit it to a certain time or to recommit or whatever, whatever it may be. And that might not be allowable once it's used once on that one day for, for a specific stage of the bill, at the same stage of one specific bill. And then at that time, the only way if we had something that was really pressing to do, we would have to suspend the rules to allow and accept some exception to this. There are times where we've utilized this and we've had to. In fact, there have been times where the Speaker has utilized this and then introduced and, and had a motion so that we can do, do our business. I'm concerned that the language--

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HANSEN: One minute.

VARGAS: --as currently written presents some potential problems in the future for us if we really needed to use these motions for a different purpose. And it should have a hearing, just on the fact that on its own it is just relating to the entire Legislature. Not to one senator, but to everybody. One use of this overall for an entire bill on each day. And that is a very different bill proposal or amendment to the rules than what we saw what was introduced at the beginning of this session for the rules changes. If we're going to do this, if it's going to happen, it should be worked out, should have the ability for, for the public to the weigh in. And then we can figure out the right language so we don't put ourselves in a bad scenario where we might need to utilize this on one day, given day for a bill. And I'd hate for that to happen and then we'd suspend the rules again. So, colleagues, I, I think there are still issues with this language that can be worked out if we need to work it out. But that is what the bill hearing process, just like all of our bills are--

HANSEN: Time, Senator.

VARGAS: Thank you.

HANSEN: Thank you, Senator Vargas. Senator Lowe, you are recognized.

LOWE: Question.

HANSEN: The question has been called, Do I see five hands? I do. The question is, shall debate cease? All those in favor, vote aye; all those opposed vote nay. Roll vote-- a roll call vote has been called and a call-- and a request for a call of the house. The question before the body is should the hou-- shall the house go under call? Senator Wayne, you're recognized for your point of order.

WAYNE: Thank you. Last time this was done on a call to question, members, the Lieutenant Governor took up whether or not debate has been fairly debated first and ruled Senator Erdman out of order. At that point, Senator Slama challenged the Chair and it was overruled. This time, the President is skipping that part and going straight to the five hands. If the body will recall, we had a whole debate on overruling the Chair and then we went to the five hands. So this President sorry, Senator Hansen, is deciding that this question is a question for the body, not a question for the Chair to decide on before the body. I don't care which way we go, but we got to be consistent. So personally, I think the question, the way it's being

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done now is probably the proper. The issue is the way it was done just two weeks-- a week ago, this body accepted as the way it is going to go forward. As a body, we have to just start deciding how our rules are going to apply and we don't keep flip-flopping in the wing. That's why I'm raising a point of order, because this is not consistent with the last ruling of this session by this Clerk and this body. Thank you, Mr. President.

HANSEN: Senator Wayne and Senator Arch, Speaker Arch, would you please come forward? Senator Wayne, would you please come to the front? The ruling from the Chair is that it is consistent with Rule 7, Section 4, that per five senators raising their hands, there has been-- that the body has decided that there's been full and fair debate. Senator Wayne, for what purpose do you rise?

WAYNE: A point of order.

HANSEN: Proceed.

WAYNE: I had already announced that I will motion to overrule the Chair. It may not have been on the record, but I do think it's a point of order to clarify what just happened. And I think it's proper in this matter. The last time this happened, I do believe the Lieutenant Governor, who was serving as officer, incorrectly ruled that it was his decision to determine whether that was out of order or not. This particular rule that Senator Han-- Speaker, President decided does say that it's up to the body of whether a motion or an amendment has properly been debated or full and fair debate. So I do think it is proper, even with a show of five hands, based on the plain language of the rule, that the Chair is correct. So I will be withdrawing my overrule the Chair. Somebody else can do that if they choose to, based off of the precedent that the previous President and the Chair decided last week. But I do think the plain language of the rule should govern, and I withdraw my overrule the Chair at this time.

HANSEN: Senator Cavanaugh, for what purpose do you rise?

M. CAVANAUGH: I would like to motion to overrule the Chair.

HANSEN: Senator Cavanaugh and Speaker Arch, please come forward. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 3 nays to place the house under call.

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HANSEN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. The question is, shall debate cease? There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart. Vote is 32 ayes, 12 nays, Mr. President, on the motion-- on the motion to cease debate.

HANSEN: Senator Hunt, please come forward. Debate does cease. Senator Erdman, you are recognized to close.

ERDMAN: Thank you, Mr. President. So let me just be clear on what this bill does. But first, let me start with this. We have bills that have hearings every day up until last Friday. Every day we had a hearing, numerous bills. A lot of bills that were heard, there were amendments to those bills before they came to the floor. And there was no separate hearing after we made amendments. We had a hearing on this rule change when the Rules Committee met. The only difference was we struck the part about the same member on the same day. That's the only difference. So this says, a motion offered on the same day at the same stage of debate. That's all this does. Addressing some of the comments that Senator Vargas talked about, we may get into a position where we need to indefinitely postpone-- or I mean, bracket something to a day certain. We have the opportunity for the Speaker to put a hold on

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those. There is an opportunity. We don't need to change the rules to do that. So what we're asking you today is to make a decision. Going forward, do we want to complete the work they sent us here to do, or do we want to continue to waste time as we have the first 50 days? I think it's quite obvious where the body is on this one. So I'd ask your green vote on changing this rule to allow us to get the work done that people sent us here to do. Thank you.

HANSEN: Roll call has been requested. The question before the body is suspension of the rules. All those in favor vote aye; all opposed vote nay. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar, Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar voting no. Senator Bostelmen voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart not voting. Vote is 32 ayes, 13 nays, Mr. President, on the rules suspension.

HANSEN: The rules suspension has been adopted. Mr. Clerk. I raise the call. Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Cavanaugh would move to reconsider the vote on the rules suspension.

HANSEN: Senator Cavan-- Machaela Cavanaugh, you're open.

M. CAVANAUGH: Thank you. I get 10:00?

HANSEN: Yes.

M. CAVANAUGH: Thank you. This is a gift. I made it very clear that I was intent on taking time, as much time as possible. And this rules suspension, suspension today has been a gift. So thank you, colleagues. And it is a gift that keeps on giving, because now we get to talk about reconsidering the vote on the rules suspension. We actually have done this once this year already. We did a motion to reconsider a vote and the body decided to actually reconsider the vote. So you do still have one more opportunity to undo the damage that you just did. But I'm sure that you won't. I'm sure that you won't. Gosh, it's just-- there, there is no shaming in this body. This body is above being shamed. You can take the most penalistic actions over and over and over again, and you just don't care. You just don't care. You do not care, you do not take responsibility. You do not acknowledge the role that you all have to play in all of this. Time and time again. For 51 days, this body has worked to become as dysfunctional as possible. As dysfunctional as possible. After Senator Slama made a motion to censure me a couple of weeks ago, I thought things have gotten really bad here. Things have gotten really, really bad. So I went to Speaker Arch and I said I would like to stop filibustering. We made a deal. He put his hand out. I shook his hand. That deal did not come to fruition. And now the majority of my colleagues are blaming me for that. One single senator is to blame for the actions of 33. I don't think so, colleagues. I don't think so. In my first four years here, there have been numerous filibusters to reach some sort of agreement on something. Those filibusters have been perpetuated by both Democrats and Republicans. It is a negotiation tool. This year, I used this negotiation tool. I went to the Speaker. I proposed a resolution. He agreed. I agreed. I thought we were going to move forward as a body. Not a once. Not a once have the 33 of you that continue to vote for these things, not a once have any of you come to me with a resolution. The only resolution is for me to sit down. The only resolution is to silence me. To silence all of the minority. To disregard our rules, our rulebook, to make it easier for you to ramrod bad legislation through the Legislature. That is your resolution. And you might not care about that today. You might just care about punishing me today. But I am telling you that this is part of history and what you do and how you vote on this historic rules suspension and change is part of history. This does not fade quietly into the night. No, this will be brought up, dug up over and over and over again. This does not go away for the 33 people who are voting for this. This does not go away for you. You are voting to dismantle the Nebraska Legislature because you are not strong enough to be leaders. Because you are not strong enough to compromise. Because you are not strong enough to follow the rules and do what

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needs to be done. This is on your shoulders. I will continue filibustering. I will continue to use the rules to the best of my ability while maintaining the rules. I might not use certain things with the intention that you all want me to use them with, but the intention of how I use the rules is irrelevant as long as I use the rules and follow the rules. So keep on changing the rules. Keep on showing how weak you are, how you cannot govern and legislate because you can't have rules to follow. That's fine. This body is weak. It is weak. The leadership is weak. I don't care if you say that I'm a bully. I don't care if you say that I am selfish. I am not going to stop. As long as this body seeks to legislate hate against trans children, I am not going to stop. I've been very clear for five weeks now what it is that is required of you as a body. Decide what you want to do. Stop telling me there's good things to be accomplished. Decide what you want to do. Come to a table. Invite people to a table. Invite Senator Hunt to a table. Invite me to a table. Invite others that are standing alongside us to a table. But you're not doing that. Instead of doing that, instead of having a single conversation with us, you introduced a suspension of the rules. Weak. You are weak. You are not leaders. Elections do matter. They do matter. And hopefully two years from now, we have far stronger people in this body, because this is weak. A body that cares more about penalizing me than maintaining the integrity of this institution is weak. That is what is selfish. That is what is bullying. We have students here today. Students, you are witnessing something historic. This is a historic moment in your Nebraska Legislature, when your Nebraska Legislature decided that they could not follow the rules. The example that we are setting for these students is that the rules don't apply to people in power. No. If people in power can't get along with the rules, we change the rules to benefit people in power. That's the lesson we're setting today. Congratulations. You're great role models. How much time do I have?

HANSEN: 1:17.

M. CAVANAUGH: I yield the remainder my time to the Chair.

HANSEN: Thank you, Senator Cavanaugh. Senator John Cavanaugh, you are recognized.

J. CAVANAUGH: Thank you, Mr. President. It's always a pleasure to follow Senator Cavanaugh. I don't know if you guys know this. I do try to put a little distance, so it's not just back to back Cavanaugh's for you. But it happens organically sometimes. So I rise in support of the motion to reconsider. And for a number of reasons, I think that it's the right thing we should not advance this rules suspension. But I did

think in the closing argument there was a novel argument presented by Chairman Erdman that just need a little bit more parsing out. He argued that this was appropriate because this rule had a hearing. And he argued that-- so we don't need a hearing on this rule. It has been pointed out that there is a distinction between this rule as proposed and the rule that had a hearing, which was the rule that had a hearing limited it only to per member. So this is a more expansive, bigger restriction in the rules. But that's already been talked about. The thing that I thought was interesting is if Senator Erdman is carrying-- or arguing that this should go forward at this point because it had a hearing, then he's saying that he didn't follow the rules for how a rule is reported out. Because it says, and I read this not that long ago about the obligations of the Rules Chair. They shall set for public hearing within five days, the hearing shall take place within 15 days, and the committee shall take action on the proposal within 10 legislative days. The committee shall provide public notice of proposed rule changes and at least three calendar days prior to conducting the public hearing. So what I'm saying is his argument is, yes, that they did the hearing on this, and this is a amended version of that. Was there a vote in that committee on the amendment and to report it out this way? What was the committee vote for how this was reported out? Was there a discussion about that this was an appropriate amendment based off of the evidence that was presented at that hearing? So if his argument is that this had a hearing and this is the result of that conversation, that hearing, why was it not reported out of the committee? Why are we not following the rules that Senator Erdman claims that he's following in terms of presenting this rule? And I can tell you he's not following those rules because the first suggestion here in this-- we are suspending the rule that controls that we follow these rules. So he has said that it's his prerogative not to have a hearing. That's not true. The reason he's suspending these rules is because it's not his prerogative not to have a hearing. He has obligations to the people of the state of Nebraska and to this body, if you want to propose a rule change, that it goes through this process. And the reason we're not doing that is, again, expediency. And we're having a conversation here where there is confusion amongst people who are voting for it. If we wanted to, you could probably call on every individual in this body and we would probably get something close to 49 interpretations of what this rule does. We just had a whole 20 minute back-and-forth about the interpretation of when is a-- it appropriate to overrule the Chair. We're getting into a very muddied waters about the rules here, and we're adding fuel to the fire by suspending the rule about how we amend the rules. We're suspending the rule for suspension of the

rules. And then we're attempting to make a change through all of that to curtail individuals' abilities, individual senators' ability to make a motion. So that's, I do think is something that is a reason for reconsideration. That the argument for why this is appropriate and why this is an order is one that doesn't stand up. And so that's why I think people do need the opportunity to reconsider their vote here.

SLAMA: One minute.

J. CAVANAUGH: Thank you, Madam President. So I don't know, I guess I don't have time to go back into what the distinctions in the rule are. But I would just suggest we have some time here, people are going to talk. I would suggest to those who have to this point voted for this change to listen and make up your mind independently of what you want to see as the outcome. But perhaps what you think is the right decision for this body. Thank you, Madam President.

HANSEN: Thank you, Senator John Cavanaugh. Senator Conrad, you are recognized.

CONRAD: Thank you, Mr. President. And good afternoon, colleagues. I rise in support of the motion to reconsider and remain in opposition to Senator Erdman's motion to suspend the rules, amend the rules, forego a public hearing, and to do so for the remainder of the session. Which is unprecedented. It's unprecedented. And Senator John Cavanaugh did a very good job of explaining why an attempt to circumvent the public hearing process is not only out of alignment with our traditions in Nebraska in giving a strong voice to the citizenry of Nebraska, but also unallowable under the rules itself. Senator Arch's proposal that was put forward was distinguishable in terms of substance. It was not advanced, it was not amended, it was not adopted. That has to be done within a time certain period, according to our rules. I do want to mark a moment of dismay about how this rules debate has played out. And again, friends, term limits, voter suppression, gerrymandering are not an accident. And here is where we are with little institutional knowledge or history or collegiality or commitment to nonpartisanship. So during the course of this unprecedented rules debate, proponents have basically been confused about what the rules are. They've been confused about how to amend the rules. They've been confused about how to rule on the rulings. They've been confused about what this motion does. Which all points to the fact that we need to have an opportunity as delineated in our rules that we agreed to unanimously to make these changes with the input of the Rules Committee and the public. And from a practical perspective, proponents have been clear, this won't save any time in

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debate. It doesn't change cloture, it doesn't change amendments. It doesn't change a host of other procedural tactics. All it will do, colleagues, is try to show yet again the tyranny of the majority is there to punish, is there to punish and stifle debate. To use a big government censorship model to stifle options available to any senator, including the minority, to organize the queue to advance their position in regards to the measures. And what is it doing? It's taking up time. It's ramping up tensions. It's setting a terrible precedent, because it is unprecedented. And it won't have any of the desired results. The Rules Committee Chair has been clear that he doesn't understand whether or not rules are amendable. He thinks that he gets to decide solely whether or not they're subject to a public hearing. Those are just basic legislative 101 things. And the senior member, the Chair of the Rules Committee, doesn't know those basic pieces. No wonder so many freshmen senators are having a difficult time sorting through this unprecedented debate when we can't even get clarity from the Rules Committee Chairman on the basics about the rule. That's just the basics. And here we are again. We could have, if we did not have this additional distraction,--

HANSEN: One minute.

CONRAD: --side fight-- thank you, Mr. President-- already probably been very close to completing our debate and deliberations on Senator Wishart's important but modest proposal to address the mental health crisis in Nebraska. So you wring your hands and cast aspersions that we can't get anything done. But then you are prolonging debate with an unprecedented motion to suspend, to amend, to forego public hearing and to do so far beyond a typical legislative day. And if each of you in your heart don't know why that's unprecedented or what this does, you should be present and not voting or vote no. We're going to start calling you up on the mike to see if you can explain to the body exactly what this measure is and why you're determined to vote for it. So keep that in mind as the debate proceeds. Thank you, Mr. President.

HANSEN: Thank you, Senator Conrad. Senator Raybould, you are recognized.

RAYBOULD: Thank you, Mr. President. As a person born, born and raised in Lancaster County, a county of law and order, I, I support this motion to reconsider. We have a Rules Committee Chair who is not following the rules. We have a Rules Committee Chair that is proposing something that's unprecedented and yet cannot explain it concisely to this body what this rule does. And so Sen-- Senator Conrad is correct,

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if people would be willing to, to yield to my question. Senator Holdcroft, would you be willing to yield to a question?

HANSEN: Senator Holdcroft, will you yield.

HOLDCROFT: Yes.

RAYBOULD: Thank you, Senator Holdcroft. Can you tell us exactly what this motion does?

HOLDCROFT: This changes the rules so that only one motion to, to bracket, one motion to postpone, and the third motion to-- if I could come up with the third motion, I would, but I don't have in front of me right now.

RAYBOULD: OK. Thank you, Senator. Is-- may I ask you another question?

HOLDCROFT: Yes.

RAYBOULD: Yes. Is it per senator? Is it--

HOLDCROFT: It's per senator, per, per discussion, per a debate period.

RAYBOULD: So it's-- so more senators can introduce and introduce a motion every day.

HOLDCROFT: One per day.

RAYBOULD: One per day.

HOLDCROFT: Yes, one per day.

RAYBOULD: OK. Thank you, Senator Holdcroft. Senator Brieese, would you be open to a question, sir?

HANSEN: Senator Brieese, will you yield?

BRIESE: Yes.

RAYBOULD: Senator Brieese, could you help explain the motion that is presented to us? And the next question I'll ask you is, do you think it should go back to the Rules Committee?

BRIESE: First of all. A plain reading of the motion would limit this to only one motion to postpone to a time certain, to commit or to pull-- IPP shall be offered on the same day at the same stage of the bill or a proposition. That would be in total, not per senator, in my

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view. Should it go back to the committee? No. I think it's important to get this done quickly and move on. I think what happened Thursday really was a bad look for this body. We should try to ensure that it doesn't happen again. I said earlier, I don't particularly blame the opponents of LB574 for doing that. It was accessible to them and they took advantage of that. But I, I think, again, it's a bad look for the body to essentially cancel the comments of the opposition, censor the comments of the opposition, silence the comments of the opposition and it--

RAYBOULD: Thank you, Senator Briese.

BRIESE: It's not conducive to good policymaking.

RAYBOULD: Thank you, Senator Briese. I appreciate that. I guess it goes to my point, if we have a couple of senators, myself included, don't know the clear intent of this measure. And we have the Rules Committee Chair who is-- can't clearly explain this either. I think this is more than ample evidence that we should be reconsidering the vote on this and sending it back to the Rules Committee as it is spelled out in our rules book that we're working with and that we all voted on. So thank you, Mr. President.

HANSEN: Thank you, Senators Raybould, Holdcroft and Briese. Senator Hunt, you were recognized.

HUNT: Thank you, Mr. President. Colleagues, I'm one of the people who never even got a chance to speak once on the motion to suspend the rules. I spoke my one time that I'm allowed on the motion to overrule the Chair, but I had-- I didn't even get a chance to talk one time on the underlying motion to suspend the rules. So don't forget for one second that the whole reason we've had to use this strategy and now we have to take this unprecedented action to try to unwind the rules that we already have in place that we've all agreed to is because you keep calling the question before we get the chance to speak. It was on my motion last week, on my IPP motion. Somebody called the question after only five people had spoken in the queue, the Chair said, no, it hasn't been full and fair debate. Senator Slama motioned to overrule the Chair and she was successful. And now the same exact thing is happening when Senator Lowe called the question on the motion to suspend the rules today. And do you not understand that you're the ones who are digging the hole deeper and deeper and deeper? From the trans healthcare ban to the Committee on Committees to the abortion ban to any other thing that we have on the agenda, to motions to suspend the rules, the more you try to stifle and silence and cut off,

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the more mired down we get in a procedural quagmire. You're making the entire point of why we're doing what we're doing. Every time we get up to talk, you call the question, when there are people in the queue who hadn't even spoken yet. I mean, why doesn't Speaker Arch get in the chair and lead this body for a minute today. When Senator Raybould, on her last chance to speak on the mike asked Senator Holdcroft if he would yield to a question, I heard Speaker Arch behind me say to himself, say no. Say no, Rick. I was stopped from asking a question of Senator DeBoer on my own time last week. Senator Arch, Day 51 of your first session as Speaker of the Legislature, this is your legacy. This is the legacy you have wrought, that you have brought upon all of us deliberately. And it continues. And we are not going to get anything done this session, partially because you couldn't have courage to fall on the sword on a bad bill last Thursday and not vote on that trans healthcare ban that nobody even liked. Senator Jacobson said that he thinks that this isn't what my colleague-- or what my constituents want me to be focusing on. In my office, we make a call log of every phone call that we get into the office. And this is not counting emails, this is not counting direct messages on different social media platforms. This isn't counting "snail mail," which we do get a lot of. These are just phone calls to the office. On March 22, it's-- these are all Nebraska area codes. Thank you. Thank you. Thank you. Bravo to you. Saw your video, I wanted to commend you. You are so brave. Thank you, from constituent. Thank you, old lady whose grandson is gay. Thank you. Posted online against Mayor Stothert's policies. Something, something else, thank you. Thank you. Thank you. Elkhorn, Nebraska, thank you. Humboldt, Nebraska, thank you. Thank you. Thank you.

HANSEN: One minute.

HUNT: Thank you, Mr. President. An invite to breakfast from Governor Pillen's Office. Can't make it, because it's before 8:00 a.m. Someone calling from Seattle, thank you. Senator Kauth constituent, thank you. Thank you. Please don't filibuster. Oh, there was the very first one I got after over 20 different calls saying thank you for what you're doing because people understand we're not talking about marginal tax rates. We're not talking about the budget. We're talking about human rights in Nebraska, which are hanging by a thread and you're still playing government like little children play house. And I didn't even get a chance to speak when you called the question. That's how I know these rules mean nothing to you and there's nothing we can do for the rest of the session to make you respect or commit to them. So you're going to do what you do today and you're going to see what we do in retaliation. Thank you, Mr. President.

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HANSEN: Thank you, Senator Hunt. Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. And colleagues, I'm sure it's no surprise I rise in favor of the motion to reconsider. I think it was worth pointing out that previously in this legislative session, we did have a motion to reconsider that was-- that resulted in a different outcome than the underlying vote. And the reason for that is I think that oftentimes folks watching at home or even folks in this body think that the things we're doing here are simply to waste time. And I think that's where a bulk of the frustration that folks who've reached out to me have placed their frustration is, of stop wasting time. Stop, stop doing this, this and that. And I understand that concern. I understand that frustration. But today, I want to make it very clear to folks who are watching at home or to my colleagues who may or may not be listening, that this conversation is not about wasting time. When we're having a discussion about whether or not we as a body should not just suspend but amend the rules, that is substantive. It is important debate to have. And I think that it's frankly vital that we do everything we can to not just have a long and robust debate about this, but that we ensure that our colleagues are actually paying attention and listening to what we're talking about. I appreciate the, the comments from some of my other colleagues about the, the institution. And I know we talk often both folks who've been here a long time and folks who are new, that the institution that we're here to uphold is one of our, you know, most prized jewels in Nebraska. And when we start modifying the rules simply because we don't like what's happening, we find ourselves in a position where I think we are betraying the trust of the public, and I think we are betraying the duty that we have been given by our constituents. And it's frankly really frustrating for me as a brand new senator to come in here and try my best to read these rules and learn these rules. And the second that things start to not go well, they get changed. And in any other circumstance, in any other job or in any other position, whether it's a courtroom or the corporate world, the modification of rules simply to effectuate a particular outcome is almost always frowned upon. And so I'm frustrated, frankly, that we're doing this. But again, I understand the other frustration that comes from this entire process. And as I pointed out previously, I believe that if we actually followed the rules that we are supposed to follow here, had a motion to suspend, and then if that were adopted pursuant to that, did a motion to amend for a particular rule change and then had that go through the process, not only would it likely still happen, but it would happen in a way that we'd be able to have this discussion in the

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committee, we'd be able to have this discussion from the public. And I think that that's going to ultimately result in a more productive conversation, a more, I think, substantive outcome. And so I would just encourage my colleagues to think about that. The other thing that I think is interesting and that I've noted here throughout the day today and I've gotten texts about this from people who don't normally engage in the political process, is this is, to put it politely, just kind of bedlam in here right now with all of these motions to reconsider and all of these overrulings of the Chair. I mean, the fact that we don't even seem to understand the current rules and yet we are trying to modify the rules is problematic in and of itself. But on top of that, the fact that there are so many questions about what the proposed rule change is--

HANSEN: One minute.

DUNGAN: --thank you, Mr. President-- I think should give us all pause. When Senator Erdman was answering questions regarding the proposed motion to suspend and the conjoined motion to amend, he initially said it was just one of those three motions per bill per day and then changed it and went back. And I don't think that was intentional by any means, but it is confusing. I think multiple people have had different interpretations of this, and that's why we need to have this hearing. The people who are proposing these bills don't even seem to fully understand-- I'm sorry, not bills, rule changes-- don't even seem to fully understand what effect it would take. So, colleagues, we're doing this motion to reconsider, not to waste time, but to see if you will actually listen and think about whether or not this should be changed and modified. And I would encourage you to vote green on the motion to reconsider. And ultimately, no on the rule suspension, as we don't want to undermine the integrity of this institution any further than maybe we already have. Thank you, Mr. President.

HANSEN: Thank you, Senator Dungan. Senator Wayne, you are recognized.

WAYNE: Thank you, Mr. Pres-- thank you, Mr. President. Will Senator Conrad yield to a question?

HANSEN: Senator, Senator Conrad, will you yield?

CONRAD: Yes, of course.

WAYNE: It's an open-ended question. Can you keep talking about the concern that you may have around-- what is your concern around this rule, suspension of rules?

CONRAD: Thank you, Senator Wayne. And thank you, Mr. President. So just to reaffirm some of the, the topline concerns about where we are, I think that it is not within the order of the Nebraska Legislature to offer a motion to suspend that also forgoes public hearing, that also amends the rule, that also extends the suspension of the rule beyond the typical one-day period to the remainder of the session. So I think that is a crude attempt at both conflating and circumventing the rules that we have agreed to. And that is why it was clear that this is an unprecedented motion. Additionally, so from a policy perspective, though-- that's, that's definitely a concern. I think from a pragmatic perspective, I'm also just continually perplexed about why we are where we are. If people are concerned about how the queue was organized or utilized using a motion strategy, that in fact was not unprecedented. But OK. In order to be collegial and find consensus, once the rules suspension amendment with foregoing a public hearing and for the remainder of the session was introduced over the weekend, Senator Cavanaugh reached out and said, fine, we won't do it again. You don't need to set this precedent. Those efforts were rebuffed. And then we hear today we absolutely have to vote for this in order to save this session, in order to move things forward. But it doesn't actually save any time. And in fact, it's burned almost another legislative day instead of having substantive debate on Senator Wishart's bill, which we all agree, there's probably, I don't know, 45-plus maybe 49 votes in support of. So here we are again, because it's part of the tyranny of the majority's ongoing effort to silence and to punish at every turn and at any turn. The flip side is, and I'm an eternal optimist, whatever the body decides to do collectively on this measure, and I'm glad we have the motion to reconsider, we will continue to stay in conversation. We will continue to stay in relationship, no matter how challenging that might be, no matter how poor a precedent this sets, because that is our duty and we're honor bound to each other to do the people's work during our time together. I think that it is disappointing, but perhaps not unsurprising that the majority does not know what the rules are. They do not know why we're amending them. They do not know how to amend them and they do not know how to rule on them. That has been laid bare. It's documented very clearly in regards to the debate today, and I think really tells to the future. Those who are reading this, this debate in the future, all that you need to know about what's happening here that's dressed up in all different kinds of nonsensical arguments. It's about punishing the minority for having the audacity to utilize the rules that we all agreed upon unanimously in an unprecedented fashion. Why? Because you can. That's it. It's a raw power move.

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HANSEN: One moment. One minute.

CONRAD: Thank you, Mr. President. We've seen it from day one, and it continues through day 50, 51, and it will continue for the remainder of the session. No amount of consensus or seeking compromise or collegiality or attempt to forge peace or extend an olive branch is accepted. We're going to rule this way because we can. Just be honest about what you're doing and your intentions. Don't wrap it up in nonsensical arguments. Because at least that's honest and everybody knows why it's happening and the record is clear in that regard. And this will do nothing but escalate tensions instead of help us find consensus to do the people's work. And the rules matter because it helps us to formulate a process to carry out tough conversations in a fair and equitable manner. That's--

HANSEN: That's time, Senator.

CONRAD: --why I'm saying it's wrong to change in the middle of session. Thank you [MICROPHONE MALFUNCTION]--

HANSEN: Thank you, Senator Conrad. Senator Arch, you are recognized.

ARCH: Thank you, Mr. President. There have been some things said today that I feel the need to respond to. So I just going to kind of click off a list. Senator Hunt, you said you were not given an opportunity to speak. You were actually called on. We started at 1:00 today. You were called on. You weren't here. We had to pass over. So I apologize for that, but, but you were, you were given an opportunity to speak. There's been use of the words "unprecedented," unprecedented that we would ever do something like this. And that's a favorite word this morning and this afternoon. Frankly, we've experienced a lot of unprecedented events this year. I don't think there's ever been a time when one bill has been-- one bill has been used to filibuster all other bills. We've all been here when, when filibusters have been used and they have been used to filibuster specific bills to stop those bills. Now, now we're filibustering every bill for a particular bill. So, yes, I, I fully agree. Unprecedented. Please, Senator Hunt. Senator Cavanaugh, I want to clarify one thing that you said, and that was this deal that was not kept. I will tell you that there-- that the understanding that you and I reached, and I think this is absolutely accurate, was that it was time to schedule LB574, which we did. I don't control the votes. You don't control the votes. What happens on, on bills once they're scheduled, I control scheduling and we agreed that we would schedule LB574 and I did that. There's a request to come to the table. Please come to the table. We want to-- nobody is, nobody

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is negotiating. There's only been one offer that has been made to me, and that is don't move LB574. That's, that's all. That's the only, that's the only thing. You know, I will tell you that in the past, and I've spoken to speakers in the past, I've spoken to other senators in the past, there was this attempt to compromise. And I don't see any compromise, willingness on, on, on that part. And so I, I would love to compromise. I would love-- as a matter of fact, Senator Kauth has proposed an amendment to compromise her bill. And, and that has been summarily rejected. I don't, I don't know where to go. I don't, I don't know where to go with this other than to just simply accept don't schedule LB574. And that is silencing the voice of a senator. I'm, I'm sorry. We are where we are. But I don't want to tell you-- I want to tell you now where we are. Because the session is not over. We will pass bills. The session has not stopped, it has been reduced to a crawl. So we've gone and actually run the numbers. As of this morning, we had 325.5 hours remaining in the session, assuming that we scheduled to 9:00 and do what, what has been put on to the calendar. 325.5 hours. That equates to if all, if all bills are filibustered, that equates-- equates to 21 bills plus approximately 30-- 31.5 hours to move bills that are already on Select to Final and, and beyond. So we have 21 bills remaining if all bills are filibustered. I have already identified 17 bills that-- and by the way, what is happening right now is putting into my hands the power to decide what bills are coming to this floor. And what bills are coming to this floor are going to be those things that, that the people really do care about taxes, school funding, the, the implementation of voter ID, the, the, the budget itself. But the budget itself has got five bills and that's after combining some bills. And, and Revenue as we know, are moving-- Senator Linehan and the Revenue Committee are moving bills out and those are going to be scheduled to the floor. So we're going to cover taxes, we're going to cover voter ID, we're going to get our school funding done, we're going to get the budget passed. We're going to get those-- we're going to get the Governor's package that he has put together and put in front of all of us to debate--

HANSEN: One minute.

ARCH: --we're going to get those things to the floor to debate. But that's probably all. But there's-- but we'll run these to, to filibuster. We'll run these to ending, ending in eight and four and two. But we will-- we'll get those bills to the floor. So the choice is here. I mean, I know that the people say, well, like it's on-- the choice is on your side. You're, you're the one that has to make the choice. I say it's all of our choice. It's all of our choice what we want this rest of the session to be. But we know we're going to get

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certain things done. If we want more things done, then there needs to be some choices made. And I am more than willing to sit down at the table and have those discussions. Thank you, Mr. President.

HANSEN: Thank you, Senator Arch. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President. I think I almost forgot what I was going to say after that inspiring speech. You know, we've been up here talking and talking, not debating. We're not debating. That's not what we came here for. We came here to debate bills. If a bill is good or if a bill is bad, we don't demand that a bill not be heard. That's crazy. And those doing it may be just as crazy. I want to talk about everybody's bill. I want to talk about Senator McKinney's bill. I want to talk about Senator DeKay's bill. I want to talk about Senator Raybould's bill. I want to talk about Senator Holdcroft's bill. But we're not going to do that this year because we have this crazy thing going on where they just dropped, I don't know, 200 amendments, maybe more, to stop the Legislature. And then they blame it on us. They blame it on the majority, that we are stopping the Legislature because we have one bill that we would like to have heard, that people wanted us to bring. It's crazy. They're crazy. We're not the ones that are crazy. We have been silent as they have been speaking. This is narcissism. That's what this is. I'm sorry. I didn't want to bring it. I've been holding my tongue up until now. I've got a bill up on the, on the agenda. It won't be heard this week, I don't believe. And now it's probably lost its votes because of what I've said. But I want to debate the bills. We have both good and bad bills, bills that we agree with and bills that we don't agree with. Let's debate them on this floor. Let's get over this hump. Let's withdraw all the amendments that have just been dropped and let's debate the bills on their merits. I've never held a grudge against a senator because a bill they brought or something they've said. I let anybody come up and grab candy out of the jar. It doesn't matter if we don't agree that day. Let's be gentlemen and ladies, let's work with the Legislature. Let's not play games with the people of Nebraska. And that's what we have been doing so far this session. Thank you, Mr. President.

HANSEN: Thank you, Senator Lowe. Senator John Cavanaugh, you are recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, I appreciate Senator Lowe's comments, and I always appreciate working with him. He and I obviously have taken many very opposite positions on a number of issues, but we've also, I think, worked well together even in that context. And so I've always appreciated working with Senator Lowe. And

so, I mean, and I do-- I enjoy debating bills as well. I'm one of those people who likes kind of just to talk through a different idea and look for, look at all the angles, look at the problems. Sometimes I like to problem solve, and that gets me in trouble. And that was actually kind of my first interaction with Senator Lowe was, I think, problem solving on the-- I think it was actually, well, it was Senator Geist's bill. But I kind of identified an issue that became important to me and worked through it with folks on the other side and kind of came to a compromise about that, which was fun and interesting for me. And so I do like to constrain my comments always to, I guess, the constructive criticisms in nature. And I always like to be honest with people about where I'm at on something. There's a number of times I've stood up here and said this-- I'm opposed to this amendment, but even-- or I'm in favor of this amendment. But even if it passes, I'm still going to be opposed to the bill because I don't care for the underlying bill. But in my opinion, it would make the bill better or vice versa. I'm opposed to this amendment, but I'll be opposed to the bill even if the amendment stays off because I feel like it makes the bill worse. But I always try to constrain my comments to the issue at hand. And so in that interest, talking about this rules amendment, says men-- a motion to amend the rules through the guise of a motion to suspend the rules. And just as we get close to the end, you know, you repeat yourself a lot, but sometimes people aren't listening and then people tune in right when you're talking. So this rules amendment would, I'll just read it, Senator Erdman has read it a couple of times. It would provide that for the remainder of One Hundred Eighth Legislature, First Session, so the rest of the remaining 41 days or 40 days, only one motion to postpone to a time certain, to commit or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition. So what that means is that only one of each of those can be offered each day a bill is debated. So if you carry a bill over to the next day, you could offer the, those three motions again on the same stage. So you can offer them on General, Select and Final. And provided on General, if the bill carries over two days, you would be able to offer it on both days. So that's what this amendment does to the rules for the remainder of this session. So there's been some confusion about it, but it would allow for all three of those motions to be made on any bill on a day. It would limit it so that if one person made a motion to indefinitely postponed, another person wouldn't be able to make that same motion. But another person maybe could make the motion to commit or the motion to postpone to a time certain. So in light of the fact that it seems evident that we are going to pass this rule-- this suspension slash rule change for the remainder of this time against protestation and advice, it's

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important that we are all on the same page about how this is going to play out. Because it's going to govern how the session is proceeds for the next 40 days. So hopefully people have listened at least once when either myself or Senator Dungan or Senator Raybould or Senator Arch have clarified that point for everybody. Speaker Arch, I apologize.

HANSEN: One minute.

J. CAVANAUGH: Thank you, Mr. President. So that's what we're-- you're voting on here in terms of what the rule change is going to be. There will still be the, the option for an individual to put each motion on, but a second individual won't be able to use those motions and that same individual won't be able to use the same motion twice. There will still be the three motions. I don't know if I can explain it any easier, any clearer. I just wanted to make sure that's how we all understand it. That's what you have voted on. That's the rule, and that's how it's going to go forward in the remainder of the session. Thank you, Mr. President.

HANSEN: Thank you, Senator John Cavanaugh. Senator Conrad, you are recognized.

CONRAD: Thank you. Thank you, Mr. President. And good afternoon, colleagues. One thing I think that's beneficial and wise about a motion to reconsider is it gives us the chance to-- another chance, a do-over, an opportunity to take a step back from the brink. And we've walked up to the edge together many times this session, and in many instances, when presented with a motion to reconsider or chart a different path or a path that can secure consensus from senators across the state and across the political spectrum. When given some of those opportunities, we have chosen them at the collective, and we're better for it. Working individually and working as a collective. So, Senator DeBoer, Senator Hunt, others who have spoken in regards to this unprecedented procedural pause motion-- suspension amendment, foregoing public hearing and extending a suspension through the end of session, have talked about how this won't save time in terms of the session. And it will escalate tensions and it will provoke additional ways for the filibuster to flow. And that's exactly what's happening. It's escalated tensions. It's provoked other ways for the filibuster to flow. And it's taken another legislative day on a procedural-- unprecedented procedural motion to punish because you can. Not because it has-- because it's good policy, not because it's pragmatic in solving the problems before us, which you've already conceded. But because you can. So that's not an honest attempt to seek consensus or compromise. It's not. It's raw power exerted at every angle, which is

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your right and you are doing, and you reaffirm daily, which is your right to govern as you see fit. But then you can't also throw up your hands and say, oh, but they won't let us get away with everything whenever we want to, whenever we want to. No. We're going to utilize the rules that we agreed upon to make our point of view, to advance legislation we support, to stop legislation we don't support. And that's how the process works. So just be honest about your motives and intentions, which is to have your point of view completely and totally validated at every turn without question. That's fine. That's, that's what you've reaffirmed to us throughout the course of the session. I disagree with that. It doesn't mean I dislike you as a person. I don't. It doesn't mean that we can't find areas to work together. We can. Go look on your personal legislative agendas. How many times have I reached out to be co-sponsors of your measures and how many times have those co-sponsored measures come back to me, even on things like extending a child tax credit that would help 81 percent of Nebraska kids with families. And you all have never met a tax credit you didn't like. So let's be really clear about what's happening here. I will continue to work with you in a respectful and collegial manner, but I will also continue to be clear about what I came here to do, that's protect the institution and be a strong voice for working families and human rights.

HANSEN: One minute.

CONRAD: And these-- thank you, Mr. President. These rules debates are integral to protecting the institution and establishing a framework to have challenging and important and meaningful conversations about the people's work, impacting working families and human rights. So that's why it matters. That's why it mattered at the outset. At the beginning of the session, we kind of walked up to the brink together on a rule-- on a variety of different rules issues. We let the public weigh in. The Rules Committee decided to advance a very modest package for good reason, to stave off additional tensions and escalation thereof. But it only held for about 50 days. And now we got to change the rules in the middle of the session not to have a different result, but because we can. And that's what's happening. So I urge you to have a change of heart, have a change of mind. Look at an opportunity to--

HANSEN: That's time, Senator.

CONRAD: --rechart and vote to reconsider. Thank you, Mr. President.

HANSEN: Thank you, Senator Conrad. Senator Hunt, you are recognized.

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HUNT: Thank you, Mr. President. Senator Erdman's rule change that we are reconsidering right now says that this would suspend the rules to provide that for the remainder of this Legislature only one motion to postpone to a time certain, to commit or to postpone indefinitely shall be offered on the same day at the same stage of the bill or proposition. A few minutes ago, Senator Conrad, Senator Machaela Cavanaugh and I dropped 742 motions off at the Clerk's desk, and that is a motion to postpone, to recommit and IPP every bill on the agenda. Every bill on the agenda today, every bill on General File currently, every bill on Select File and every bill out for referral. The demand, Speaker Arch and Senator Lowe, isn't that a bill not be heard. The man-- the demand is not, never has been and never will be that you silence a senator, that you prevent Senator Kathleen Kauth's bigoted, hateful pro-discrimination bill from being heard, that she believes in so deeply in her soul. The demand is that it not pass. Senator Dorn, Senator Armendariz, Brandt, Arch, Jacobson, Linehan, at least from what I've heard, either from what you've said and got back to me or what's been going around, is that you didn't want this bill to pass. And if you didn't say that, that's what got back to me and many others. We know that there are a majority of people in this body, more than 25, more than 33 who do not want this bill to pass. The demand is not, will never be, never has been to silence a senator. And for Speaker Arch to say that is lying is probably too harsh, but it's either untruthful or it's a deep misunderstanding of the negotiation that we've been having. And on this going forward after what happened on Thursday, I'm actually not a person you can speak to. I've had to remind several colleagues already today, do not speak to me. Did you not hear me? You didn't hear what I said, what I said? Don't talk to me. Machaela Cavanaugh and Senator Danielle Conrad deserve all the credit for doing heroic work for LGBTQ, trans and gender expansive people in our state. Machaela Cavanaugh came up with this strategy on the motions. We worked all weekend to get those done, knowing that all of you lemmings would absolutely walk off the cliff on this rule suspension and still will. And they have been willing to compromise, negotiate, come to the table, take phone calls, do meetings on the weekends through the entire process. Senator Machaela Cavanaugh has been calling you, having lunch with you, wasting her time for no reason, burning herself out, trying to reach you. And she is heroic for that. Because you know what? I'm not going to do that. After Thursday, I'm actually like out for the game.

HANSEN: One minute.

HUNT: I'm not doing that with any of you who voted for LB574. We don't have a relationship. I don't know you. I got nothing to say to you

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until you change your vote. So let me be clear. What we did Thursday was courageous and heroic because we kept the queue from turning into the hateful, bigoted, discriminatory, antichild, antifamily, antiscience and medicine rhetoric that all of you spewed for the entire week before that. So Nebraskans listening to this debate didn't have to hear that for a day. That doesn't mean you were silenced. It doesn't mean you were canceled, Senator Erdman. Don't cancel me. You are all privileged. You have a huge platform. You have huge voices and a lot of respect.

HANSEN: That's time, Senator.

HUNT: Thank you, Mr. President.

HANSEN: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. Wednesday. Wednesday is why Thursday happened. Senator Hunt stood up and shared her life with this body, shared her story with this body. And you all stood up and spewed vitriol, transphobic, antiscience garbage. And there were families up in the balcony. There were trans kids up in the balcony, and they had to listen to that. Your indignation is so false. That was teaching you a lesson, one I hope you would take to heart that if you are going to be hate filled and directed towards your colleague and directed towards the people in the balcony, I will take action and I will take drastic action. And that is what I did on Thursday. Yes, I silenced you because you needed to be silenced and I used the rules to do it. And I think any one of you would do the same thing if the same thing happened to you. I actually would lose respect for you if you wouldn't; if you wouldn't stand up for those that are being hurt by the language and the vitriol being spewed in this body for hours; if you wouldn't use the tools in your toolkit to stop that, to diminish that, to squash that, I would lose a lot of respect for you. And I have lost a lot of respect for a lot of you. Senator Hunt mentioned motions that have been filed. You want this rules change. Great. You have just given all of the power to me and Senator Hunt and Senator Conrad because now we own the priority motions. It's ridiculous. It is absolutely ridiculous but you did that. You did that. You decided that. You can undo it. You still have an opportunity to save this session and this institution and you won't. And I know the Speaker is going to get in the queue and say something about it. You won't. You won't. You will not do what is best for this institution. You will not do what is best for the state. You will not do what is best for trans kids. You are transphobic. You are

attacking and targeting a minority population. You are seeking steps to eradicate their very existence. And you want me to sit down and you want to change the rules to get me to sit down. I guarantee that there will be another suspension of the rules after today to try and undo whatever it is that I'm doing. And then I'll figure something else out, and you'll do it again until this Rule Book is as good as the paper it's printed on. We can all have a bonfire with them. You don't care about law and order. You don't care about the institution. All you are doing is giving me power, and I will take it. And the Speaker does have the control over the agenda. He has always had the control over the agenda. That is the point. That is the point. And Speaker Arch, I did not say that you went back on our deal. I said that it did not come to fruition. You could have made sure that it came to fruition. You chose not to and that's your prerogative.

HANSEN: One minute.

M. CAVANAUGH: But the deal was the filibuster ends when the bill dies. That was the deal. That was the deal. And to bring an amendment that doesn't change any of the hundreds of people's opposition, not a single person that was in opposition has changed their opposition with Senator Jacobson and Senator Kauth's amendment. That is not a compromise. That is assuaging your own transphobic guilt. That's all that is. But I look forward to the next suspension of the rules. It'll be another gift of time. I look forward to whatever thing you decide to do to penalize me next for your poor behavior. It will just be a gift of time. And we will continue down this rabbit hole of destruction until our better angels tell us it's time to actually do the work of the state and stop legislating hate against trans children.

HANSEN: That's time, Senator. Thank you, Senator Cavanaugh. Senator Arch, you're recognized. Senator Arch waives. Senator Hunt, you are recognized and this is your third time speaking.

HUNT: Third opportunity. Thank you, Mr. President. What we did Thursday is because of what happened Wednesday. Senator Cavanaugh is right about that. And what Senator Erdman did Tuesday is because of what Senator Cavanaugh and Senator Hunt and Senator Conrad, etcetera, did on Thursday. And we are-- we've been rolling down the hill, the snowball getting bigger and bigger of the tit for tat until it's 742 motions filed on every single bill for the rest of the session. That also means that none of you can file a motion on any of those bills after we pass this rule amendment. And that also means that this is likely to be the rule going forward for future sessions for the-- at

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least the one more session that I'm here, the one more biennium, three more years. And, you know, next biennium, if we adopt temporary rules that we just adopt the rules from, from the last biennium, which would include this rules change, then we're going to just do the same thing if we don't kill this antitrans bill. One of you has got to change your vote. That's it. And I'm not even asking you to go against your principles or go against your values, because I know in your hearts a lot of you aren't there. A lot of you are more scared of hurting Senator Kathleen Kauth's feelings than you are about sending trans and nonbinary Nebraskans to the suicide hotline. It is what it is. You care more about not hurting Kathleen Kauth's feelings than you do about Nebraskans. Oh, but there's an amendment. The amendment is not on the bill. It's not going to be on the bill because the bill sucks with the amendment too. Enough of this "descension" into farmers and bankers and construction workers and business owners and teachers and small business owners and consultants and whatever else that we are legislating people's healthcare in Nebraska. This is grist for the mill. This isn't anything your constituents are asking you to do. Looking at my call log, I've also gotten a ton of veterans calling my office in major support saying they fought for freedom, not this type of controlling legislation. If you look at the script, I'm not supposed to be the one that the veterans love so much, but that's how that's shaking out, Kauth's constituent calling to thank me; someone calling from Illinois to thank me; clinical psychologist from Lincoln, thank you. Thank you from a trans person. Thank you, cried on the phone. Thank you, constituent. Thank you, constituent. Thank you, not constituent. Thank you, constituent. Thank you, donated to you. Thank you, constituent. Thank you, constituent. Thank you, Lincoln. Thank you, Holdrege. Thank you. Thank you from him and his wife. Texas, thank you. Maine, thank you from a trans man who moved away from Nebraska. And then we have some comments like this: How can you support genital mutilation, you pedophile? Why are puberty blockers good for kids? They will end up with a micro penis and never be able to have sex. And it takes women's orgasms away. You are effing sick. We will win this war. Trans--

HANSEN: One minute.

HUNT: --is a sick ideology created by sick and twisted people. Trans is not real. You don't have a trans kid. You have a daughter who you destroyed and mutilated. We will save mankind from you. You're going to burn in hell. Thank you for being so stupid and arrogant and showing the world that trans people don't exist. Your daughter is a confused psycho. She doesn't deserve to have you as a mother. It is sick and disgusting what you are doing to kids, you pedophile. I hope

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Omaha gets smart and gets you the hell out of office. This is a newspaper for child predator news. I just let them know what-- where things are. You are our hero of the week and our new predator favorite. We're going to be doing a write-up on you because you are a child predator advocate and we love that. So we're looking for a quick ten-minute interview. F you, I don't think you're going to get reelected, blah, blah, blah. There's dozens of these. And, you know, my kid's getting them at school too. It's not just in my voicemail up in my office.

HANSEN: That's time, Senator.

HUNT: Thanks, Mr. President.

HANSEN: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you are-- this is your third time and you still have your close.

M. CAVANAUGH: Thank you, Mr. President. I honestly don't really have anything to say, but again, this is a gift of time. So this is time we could have had on the next bill on the agenda. But we chose to do a rule suspension so that we could enact revenge on silencing the majority in their hate-filled vitriol speech that was transphobic on Wednesday. So then, as Senator Hunt, you zigged, we zagged, you zagged, we zigged. We are the minority. We are using the tools available to us as the minority, and we will continue to use the tools available to us as the minority. The majority is coming from a position of power. They're not standing in their power. They're giving away their power, really. But they're coming from a position of power because you can. You can move whatever you want. With 33 votes, you can move whatever you want, and you have 33 votes. On a bad day, you have 33 votes. But you don't get to move as many things as you want. If you want to move more things, then you do have to come to a table and that has not happened. That has not happened. I have been told that the only resolution is to accept an amendment that continues to take away parental rights in medical decision making that continues to chip away at the human rights of trans people. I have been told that the only compromise available to me is to accept a violation of constitutional, parental, and human rights. Does that sound like a compromise to anyone? It is not a compromise. I do not have to accept the degradation of the existence of trans people, and I will not accept it. I will not accept, nor will I sit down for any malignment or attacking of any minority population. And it is really disappointing to me the number of people who keep saying to me, but there are important things to do. What is more important than our stopping our Legislature from going down a path of human rights

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violations, of parental rights violations and constitutional rights violations? What is more important than stopping that from happening? There are important things that we can be and should be doing. But I am not the one standing in the way. And Senator Hunt is not the one standing in the way. We are standing in the way of a human rights crisis and violation and eradication of a population of people. We are not standing in the way of the Legislature doing business. You are doing that by choosing to dig in, by choosing to prioritize this egregious government overreach, that if it were any other issue than trans kids medical care, everyone would be up in arms. If this was just regular kids' vaccine mandates, this body would be falling all over itself to kill that bill. If we were trying to take away parental rights in medical decision making on vaccines,--

HANSEN: One minute.

M. CAVANAUGH: --this body would be losing its mind to stop that. But because it is a minority population that you are maligning, publicly maligning in your speech on this floor, we should be OK with that. I am not OK with that. And I cannot and will not give up on protecting these kids. I won't. And I do not care what the consequence is for myself. I do not care. Because if I fail these children, then I have failed as a legislator and I have failed as a parent and I have failed as a human being. And I will not fail these kids.

HANSEN: That's time, Senator. Seeing no one else in the queue, you are recognized to close.

M. CAVANAUGH: This is your last chance to correct the course. This is your last chance to correct the course. This is your last chance to do the right thing by this institution and by this state and to get us back on track. This is the last opportunity that 33 of you have to put things back the way that they should have been from the beginning. This is the last olive branch that you can light on fire or you can say, let's go back to our original rules. Let's bring these senators to the table and let's work this out. I continue to be disappointed in you, my colleagues. I continue to be disappointed. I hope someday you will understand how important this moment in time is. I'm pretty sure that 33 of you are going to vote against this motion to reconsider. I would like a call of the house and a roll call vote. Thank you.

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

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CLERK: 25 ayes, 4 nays to place the house under call.

HANSEN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Vargas, would you check in, please? All members are present. The question before the body is a reconsideration of vote of the rules suspension. A roll call vote has been requested. Mr. Clerk, call the roll.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting yes. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. The vote is 15 ayes, 32 nays, Mr. President, on the motion to reconsider.

HANSEN: The motion to reconsider is not adopted. I'll raise the call. Items for the record, Mr. Clerk.

CLERK: Thank you, Mr. President. Your Committee on Revenue, chaired by Senator Linehan, reports LB243 and LB584 to General File, both having committee amendments. Additionally, amendments to be printed: Senator Cavanaugh to LB78 and Senator Cavanaugh to LB138. Additional amendments to be printed from Senator Machaela Cavanaugh to LB296. Senator Slama, motions to be printed to LB376 and Senator Lowe to LB77. Amendments to be printed: Senator Hunt to LB376 and LB78. Senator Machaela Cavanaugh, amendments to be printed to LB298. New LR: Senator Holdcroft, LR73; that will be laid over. Additionally, new LR74 from Senator Linehan; that will also be laid over. Next item on

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the agenda, Mr. President, LB276. It's a bill for an act-- it's a bill for an act related to-- excuse me, introduced by Senator Wishart. It's a bill for an act related to Nebraska Behavioral Health Services Act; amend Section 71-801; adopts the Certified Community Behavioral Health Clinic Act; harmonizes provisions; repeals the original section; declares an emergency. The bill was read for the first time on January 10 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments. The committee amendments have been adopted, Mr. President. There are other amendments and motions pending, Mr. President.

HANSEN: Thank you, Mr. Clerk. Senator Wishart with a one-minute refresh on your bill, please.

WISHART: Good afternoon now, colleagues. Just to refresh you on this bill, this is a bill to set up CCBHC system. It's a Certified Community Behavioral Health Clinic Act. And I just want to be-- again, reiterate that this legislation will increase access to mental, behavioral health, and substance abuse services in our state. I want to thank the Chairman, Hansen, of the Health and Human Services Committee for his support. And as you'll recall, we passed a committee amendment that ensured that we capped any funding obligation moving forward for this transformative opportunity when it comes to behavioral and mental health services in our state. I also want to thank the Speaker for prioritizing this legislation, as well as the Governor and the Department of Health and Human Services for their support and all of your support on the first vote that we had on the committee amendment. Again, colleagues--

HANSEN: That's time, Senator.

WISHART: Thanks.

HANSEN: Thank you. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Hunt would move to bracket LB276 until June 1, 2023.

HANSEN: Senator Hunt to open.

HUNT: Thank you, Mr. President. I withdraw my motion.

HANSEN: Motion has been withdrawn. Mr. Clerk.

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CLERK: Mr. President, next priority motion. Senator Hunt would move to recommit LB276 to committee.

HANSEN: Senator Hunt to open.

HUNT: Thank you, Mr. President. I withdraw my motion.

HANSEN: Motion has been withdrawn. Mr. Clerk, next item.

CLERK: Mr. President, next item, AM964 from Senator Machaela Cavanaugh.

HANSEN: Senator Cavanaugh to open, please.

M. CAVANAUGH: Thank you, Mr. President. I withdraw my amendment.

HANSEN: Amendment has been withdrawn. Mr. Clerk.

CLERK: Next amendment, Mr. President, Senator Machaela Cavanaugh would offer AM963.

HANSEN: Senator Cavanaugh to open.

M. CAVANAUGH: Thank you, Mr. President. I withdraw my amendment.

HANSEN: Amendment has been withdrawn. Mr. Clerk for the next item.

CLERK: Mr. President, next amendment, AM961 from Senator Machaela Cavanaugh.

HANSEN: Senator, Senator Cavanaugh, you're, you're ready to open.

M. CAVANAUGH: Thank you, Mr. President. I withdraw my amendment.

HANSEN: Amendment has been withdrawn. Mr. Clerk for the next item.

CLERK: Mr. President, final item on the bill. Senator Hunt would move to indefinitely postpone LB276.

HANSEN: Senator Hunt to open.

HUNT: Thank you, Mr. President. I withdraw my motion.

HANSEN: Motion has been withdrawn. Returning to debate on LB276. Seeing no one else in the queue, Senator Wishart, you are open to close.

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WISHART: Thank you, Mr. President. So I will be quick so we can get on to other legislation and appreciate all of my colleagues' support again for this piece of legislation. I just wanted to remind everyone that I've worked with the Department of Health and Human Services, and the fiscal note is cash funded. It's \$200,000 per year. And so just want to be clear that we found a way to fund the ability for the department to set up this program and do a state plan amendment internally without utilizing General Funds. With that, I encourage you to support LB276. Thank you.

HANSEN: Thank you, Senator Wishart. The question is the advancement of LB276 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays, Mr. President, on advancement of the bill.

HANSEN: The bill advances. Next bill, Mr. Clerk.

CLERK: Mr. President, next bill, LB276A from Senator Wishart. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provisions of LB276. The bill was read for the first time on March 14 of this year and placed directly on General File.

HANSEN: Senator Wishart, you're recognized open on LB276A.

WISHART: Thank you, Mr. President. Colleagues, as I said earlier, this is a cash fund appropriation to allow the department to set up this system and work to achieve a state plan amendment. With that, I encourage you to support the A bill for LB276.

HANSEN: Debate is now open on LB276A. Seeing no one in the queue, Senator Wishart, you're open to close. She waives closing. The question before the body is the advancement of LB276A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President on advancement of the bill.

HANSEN: The A bill is advanced. Next item, Mr. Clerk.

CLERK: Next item, Mr. President, Select File LB77. First of all, Senator, I have E&R amendments.

HANSEN: Senator Ballard for a motion.

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BALLARD: Mr. President, I move that the E&R amendments to LB77 be adopted.

HANSEN: All those in favor of the E&R amendments say aye; all opposed-- this is a debatable motion. Senator Raybould, you're next in the queue to speak. You are recognized to speak.

RAYBOULD: Thank you, Mr. President. I stand before you not in support of LB77 or ER12. You know, what we heard from Nashville, Tennessee, is nothing but tragic, senseless, heinous, disturbing, but preventable. Another school shooting where innocent children and teachers are slaughtered. When is enough enough? Is it not enough that the undisputed fact that the number one killer of our children in the United States is from gun violence? Families want legislators to take action, but not what we are proposing today to lessen our gun safety measures; to pass a permitless, no training, and no background check; to dismiss and dismantle local safeguards that keep our communities safer is what this bill proposes. This is completely illogical. Senator Brewer, you are an extraordinary individual with many acts of heroism and countless credited deeds of courage. But you, sir, have significant training in your military career and in protecting our country. Why do you not believe it is important to do everything we can and must do to protect our children? Why don't you believe it is essential to the well-being of every Nebraska community to keep our law enforcement safe? I am heartbroken to see my colleagues in this Legislature are not moved by each and every school shooting and mass shooting and not motivated to enact legislation that protects our officers and families, despite the overwhelming statistics showing more lives lost this year to gun violence than last year. Mr. President, could you gavel, please, so senators? Thank you. We have more mass shootings than last year. Black youths are four times more likely to be killed with guns than their white peers. States with tighter gun control laws have fewer gun-related deaths. Study after study shows more tack-- more lax gun laws result in more gun violence. States with more guns have more police officers killed on duty. States with the most guns report the most suicides. And sadly in our rural areas, states with more right to carry have increased rates of violent crimes and gun violence; and add on to that, recent studies show road rage. States with red flag laws are saving lives. Please, please don't use the pathetic arguments that the U.S. has more mental health issues than other countries. This is simply not true and is a shameless lie. What we have is more guns and increasingly lax laws. You know, New Jersey is a great example where they are doing things right. Shootings have been reduced 25 percent statewide. New Jersey has the fourth strongest gun laws and the lowest rate of firearm ownership, with just

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8.9 percent with the most comprehensive concealed carry permitting system. Their attorney general credits the state's strict gun laws that make New Jersey have the third lowest rates of firearm mortality in the United States.

HANSEN: One minute.

RAYBOULD: Thank you, Mr. President. I passed out this map of firearm mortality by state, and I hope you can take a look at it, because it's something that we in Nebraska should be very proud. We're in the top ten of states with the lowest firearm mortality. Our colleagues, our states, neighboring states to the south and east and west have some of the highest. And guess what? They have some of the most lax concealed carry laws. I don't think we need any more experiments but to look at our neighboring states to know that concealed carry is a bad, bad idea for our state. It's a bad idea for law enforcement. We have our chief of police from both Lincoln and Omaha stating that they are against this bill because it does more harms to the communities and their officers that they try to safeguard.

HANSEN: That's time, Senator.

RAYBOULD: Thank you, Mr. President.

HANSEN: Mr. Clerk for a motion.

CLERK: Mr. President, a priority motion. Senator Lowe would move to bracket LB77 to April 12.

HANSEN: Senator Lowe, you're recognized to open.

LOWE: Thank you, Mr. President. I withdraw that, that motion.

HANSEN: Motion has been withdrawn. Returning to debate on E&R amendments. Senator Dungan, you're recognized.

DUNGAN: Thank you, Mr. President. Colleagues, I rise today generally opposed to LB77 in its current form as we-- as we have it here on Select File and I suppose also in favor of the E&R amendments, but generally opposed to the underlying bill. I want to take a moment for those who are watching at home or people who have maybe been following along with this debate to kind of remind us where we're situated. We've had a long day. We've talked about a lot of things already. This is the first of many long days and potentially long nights. But getting back into the debate regarding LB77 I think does require a little bit of a refresher to remind folks where we were. So LB77, as I

understand it in its original format, was not just opposed by the police departments of Lincoln and Omaha as well as others, but was also, in fact, opposed by some of the police unions. I'd spoken with a number of the police unions about concerns they had there and understood their concerns with regard to LB77 as it was originally proposed. I also understand there were folks who were in favor of LB77 in its original format. And I think a lot of the arguments we heard early on about the original LB77 was that it, in fact, potentially, I believe the argument was reduced to the effect of some of these criminal laws on certain marginalized populations. And that's an argument that I completely understand. As many of you know, I obviously worked as a public defender, and so I've seen the effect of how certain laws can affect various populations. And so I understand that concern too. But ultimately, an amendment was brought on to LB77 in an effort to help get some of the police unions off of the opposition side of things. And that amendment and a number of things ultimately created an entirely new list of misdemeanor crimes. I'm sure you'll hear from my colleagues and I about the new crimes that it created, but it seems to me that the amendment that ultimately created new criminal penalties sort of defeats the argument to a certain extent that this law, as it was originally written, LB77, would potentially alleviate some of the concerns with regards to marginalized populations being affected by the criminal law. So I have more concerns with the bill in its current format with the amendments than I did prior to those amendments being added on. That being said, I've also had a chance to speak with folks who were originally opposing this bill. And I again want to reiterate something, and it's important that I make sure I say this. Ultimately, the police unions that were against this bill now are neutral on it. And so I think to conflate that neutral with support is problematic because I heard a number of people say that they were happy the police now supported it. They were glad the police were on board. This amendment did everything they possibly could to change the concerns. But from the folks I spoke with, the police unions are not, in fact, on board with it, but rather are neutral. And so I made that argument early on in the original debate on LB77, and I wanted to make it again here just to remind my colleagues that we're not talking about a bill that all of the police unions hopped on board with that they believed was now appropriate, that they were supportive of. And in fact, as was already pointed out by Senator Raybould, the Lincoln Police Department and the Omaha Police Department, as I understand it, still do not support this bill. And that's not to say that should be the end-all, be-all of everything. But if the concern that we hear not just in this body, but from a vast majority of constituents on a regular basis is community

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safety, and then the people in this body who are supporting LB77 purport that they are supporters of community safety. And that oftentimes in their campaigns we see literature that's handed out saying, oh, I'm, I'm endorsed by the police, and I support--

HANSEN: One minute.

DUNGAN: Thank you, Mr. President. -- support community safety. It just seems somewhat problematic to talk out of both sides of your mouth in that circumstance. And I find it questionable that some of my colleagues are not currently listening to the police departments that they purport to represent or that they say they listen to when it comes to community safety and experts in the field. So that's an issue I have. I would just remind my colleagues that that's kind of-- I wanted to give a little bit of history there. I know we all probably know that, but to resituate us where we are. I think there's going to be a number of other amendments we're going to hear. I have a number of other concerns with this bill, questions, frankly, about the way it's written and how it's going to affect cities and local municipalities. And I'll raise those questions as we get a little bit further down the line. But for now, I just wanted to kind of resituate the argument where we were and give everyone a beat. Thank you, Mr. President.

HANSEN: Thank you, Senator Dungan. Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Mr. President. This has been happening all day. Thank you, Mr. President. I rise in opposition to LB77. I haven't looked at what the Enrollment and Review amendments are, so I guess I will check those out between now and when we vote on them. I would like to yield the remainder of my time to Senator Raybould.

HANSEN: Senator Raybould, 4:34.

RAYBOULD: Thank you, Senator Machaela Cavanaugh, and thank you, Mr. President. You know, I was talking about some of the great things that, that are happening in our country when it comes to making sure that we keep our kids safe and our officers safe. And, you know, I singled out the state of New Jersey and they're right next door to Pennsylvania. And Pennsylvania has had lax concealed carry, as well as lax gun laws and guess what? Pennsylvania is one of the least restrictive gun laws, and they have four times the firearm mortality than New Jersey. You know, it's really hard to talk about this bill in light of the mass shooting in Nashville. I have to tell you, I remember exactly where I was when the Uvalde, Texas, situation

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happened. I remember where I was for the Parkland shooting. I actually was in D.C. waiting to be interviewed by the most credible political race rating company in the United States. While waiting, I picked up The New York Times and started to read the account of the gun massacre of all the teens and the devastated families and community. And I actually started to sob. I think, you know, how, how heartless can this body be when we don't consider the impact of our actions if we support LB77? You know, I hear from my, my friends who are responsible gun owners, I hear from a lot of people, as we all do, through emails. And they want-- they want us to protect that Second Amendment right. And putting forward this concealed carry bill does more harm to the life and liberty of small children, of our officers. You know, Antonin Scalia, Justice Antonin Scalia said that the Second Amendment right is not an absolute right. He said, like most rights, the rights secured by the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner what so-- whatever, and for whatever purpose. You know, this bill, in addition to being a lax gun safety measure, it's doing more harm to localities than you can ever imagine. It preempts all the existing laws that Lincoln and Omaha have worked so hard to keep our communities safe. Chief Schmaderer said this in saying that they're very proud that they have reversed the course of gun violence in Omaha. Omaha has reversed its course. We're on our way back to the 40-year lows that we saw in 2020, a very positive momentum. I heard Senator Brewer mention Missouri, major cities, Kansas City and St. Louis are two of those. Look, we're not looking to replicate Kansas City and St. Louis, and rightly so. Missouri is ranked number 1, 2, 3, 4--

HANSEN: One minute.

RAYBOULD: --fourth from having the highest incidence of firearm deaths in the United States. It's right up there. The top state is Mississippi, Louisiana, Wyoming, Missouri, Alabama. And tragically, and tragically, Tennessee is right up there with lax gun laws and lax concealed carry. Chief Schmaderer goes on to say that Omaha would like to keep our gun registration ordinance and LB77 would eliminate it. There's a reason why law enforcement need to have that gun registration. They can quickly respond when that gun is checked and they can help their community in a swifter fashion. The ordinance helps us prevent the mentally ill, substance abuser, gang members, and known criminals from purchasing a firearm. With the gun registration ordinance--

HANSEN: Time, Senator.

RAYBOULD: Thank you, Mr. President.

HANSEN: Thank you, Senator Raybould. Senator John Cavanaugh.

J. CAVANAUGH: Thank you, Mr. President. I guess I rise in support of the E&R amendment. I looked at it and it looks like it doesn't change much of the bill, but I still remain opposed to LB77 as amended. And, you know, I think this is-- I'm happy to be having this conversation. Well, first of all, I just want to recognize Senator Ballard did a great job announcing the E&R amendment. So that was the first E&R amendment of this session. And I also just would point out that Senator Lowe had filed a bracket motion, which we are now operating under the new rule, and he withdrew it, which means that no one else can file a bracket motion on this bill. But there still is a motion to indefinitely postpone and a motion to recommit that's still available if they haven't been filed yet on this bill. But since Senator Lowe filed that bracket motion and withdrew it, if we so chose to continue to try to move this bill to another date to have this conversation, to have some negotiations outside of the Chamber or something along those lines, that would not be something that would be available to us any longer at this point. But that is the new rule. That's how we're functioning. And so I just thought, you know, we got right out of the gate, hit the ground running. So I'll-- and I'll start off by talking about I appreciate Senator Brewer's, you know, commitment to this issue. And I appreciate his, I say, intellectual consistency on this. I had a bill, we had this debate last year. I had a bill, an amendment to this bill that would have allowed for expungement for folks who have previously had these convictions. And I didn't bring it this year, but I brought it. We had the hearing. Senator Brewer supported that amendment. And it became evident that if it was adopted, it wouldn't-- it would have sunk the bill. Ultimately, the bill didn't pass last year. But I appreciated his consistency in terms of the intellectual approach that he has towards this, and we just disagree about the underlying issue. But my point was, and I talked about this earlier, that there are things that I'll propose that I think will make a bill, an idea stronger, even if I disagree with the idea, an underlying idea. And that was kind of one of those. And Senator Brewer agreed with that in principle. So I appreciated that. And we're talking about the E&R amendments. I do have an amendment to this that I would like to talk to you, but I won't speak to it right now. But I again, would just sort of refocus the argument. We've had-- it's been a while since we've been where, you know, it's like, what's the show last week on legislative floor debate. So my criticisms of AM640 were rooted principally in the fact that it creates a series of new misdemeanor offenses that were not previously offenses. So the easiest

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one to explain would be attempted shoplifting while having a concealed weapon. So right now, if you go to a grocery store and you put a candy bar in your pocket and walk out the door, that's shoplifting. And so an attempt is any kind of substantial step in that process. So if you walk into a grocery store and you put a candy bar in your pocket, but don't walk out the door and you have a gun on you, that would implicate this current statute and so-- or this proposal. And my opposition in the original debate was that this-- I didn't think that these specific amendments had had a substantial enough hearing to move forward. I think we're at this point beyond that. I suppose I could continue to raise that argument in light of the fact that I think the last time I was required to have a hearing on an amendment, it was after the Select File round. But anyway, so that this creates a new series of misdemeanors. If someone is concealed carrying while commission of what is considered a serious--

HANSEN: One minute.

J. CAVANAUGH: Thank you, Mr. President. --serious dangerous misdemeanor or-- and a dangerous misdemeanor is a violation of stalking, a knowing violation of harassment protection order, knowing violation of sexual assault protection order, domestic assault, assault of an unborn in the third degree, theft by shoplifting, unauthorized use of a propelled vehicle so, like a car or I guess a motorcycle or some, a Vespa maybe, criminal mischief, impersonating a police officer, resisting arrest, operating a motor vehicle, obstruction of a peace officer, or a violation of a domestic abuse protection order and, oh, and then any attempt of any of those. And so that's why I point to the attempted shoplifting becomes a misdemeanor. And one of my criticisms about it requiring further hearing is I don't know if that was necessarily the intent of that. I think that certain some of these there's in-- the intent is there to create these new offenses. But I object to the creation of--

HANSEN: That's time, Senator.

J. CAVANAUGH: Thank you, Mr. president.

HANSEN: Thank you, Senator John Cavanaugh. Senator Raybould and Senator Bostar would like to welcome 12 members of the Girl Scout Troop 2880 from the first and second grade at Beattie and Sheridan Elementary, and they're earning their democracy badges today. Please stand and be recognized by your Nebraska Legislature. Returning to the queue, Senator Raybould, you're recognized.

RAYBOULD: Thank you, Mr. President. You know, I wanted to continue on with the discussion from Chief Schmaderer in Omaha. You know, this bill, LB77, would preempt all the existing local rules that the city of Omaha and Lincoln have in place to protect our communities. Schmaderer, Chief Schmaderer went on to say the ordinance helps us prevent the mentally ill, substance abusers, gang members, and known criminals from purchasing a firearm. With the gun registration ordinance, we fully examine a person's criminal history, including recent arrests and it reports. And it helps us vet who is able to carry that firearm with the city of Omaha. The Omaha Police Department tries to get in the middle of gang and gun violence on the street. The gun registration ordinance does help with that. He goes on to say that LB77 allows for open carry. This is a concern for heavily populated cities where it takes on an entirely hard to manage dynamic, one that-- one that can cause harm, be tactically unsafe for the carriers, and increase the dynamics for law enforcement response in the populated city. The mayor, city council, and myself and we feel any future seat holders would be opposed to open carry as well. Given the dynamics of a major city, LB77 eliminates the City of Omaha Firearm Ordinance Transportation 20-195. Without the ordinance, there is no way to prevent the carrying of an assault weapon. So you can walk around a populated city, outdoor venues of the College World Series, concerts, police crime scenes, place of protest, you get the picture. There's nothing that we can do about it at that point in time, the mayor, city council, and myself. And I have had a number of conversations with Chief Ewing for the city of Lincoln police chief, and she stated the same concerns. The way that this LB77 is structured, you know, how are we going to be able to police tailgating? How are we going to be able to secure the folks that participate in these activities from our parks and recreation to outdoor concerts? It's going to be making their job twice as hard and put-- twice as hard and putting them twice at risk. There is a state that is doing some great things besides New Jersey and that is California. And if you look on the list I provided to you, you can see California is the top ten states of having the lowest firearm mortality per 100,000. Nebraska is number ten. California is number six. So California is right up there. And what they have done and they do charge a fee. In Nebraska, the fee for concealed carry is \$100 as it now stands before we-- if we pass this LB77, it's \$100. In California, it's \$268. And, you know, they have a rigorous, rigorous process that you have to go through that even has an interview that requires people to have an interview. They go through a background, background check. They have to demonstrate even a, a reason that they need to have the concealed carry. And it's something that I know

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Californians are very proud of and that they have kept California safer. These are the states that we should be looking to if we want to pass good gun legislation. We shouldn't be going to the bottom of the pack, which is Mississippi, Louisiana, Wyoming, and Missouri for what they have done. And that's what Chief Schmaderer was saying. Why do we want to emulate what St. Louis and Kansas City, Missouri,--

HANSEN: One minute.

RAYBOULD: --has done? Obviously they're failing their citizens by coming up with lax concealed carry. We know that those states that have lax concealed carry this data is very clear. They have more homicides, more firearm deaths, etcetera. You know, I hope to continue my discussion and talking about myths versus facts on the gun lobby. And I know the NRA is here today. They had a luncheon inviting all those Second Amendment supporters to come and talk to their senators. But I do want to continue the discussion with myths versus fact, debunking the gun lobby's favorite talking points. Thank you, Mr. President.

HANSEN: Thank you, Senator Raybould. Senator McKinney, you are up to be recognized.

McKINNEY: Thank you, Mr. President. Just to make it clear, the Omaha police do not like this bill because they want to target black people in north Omaha and south Omaha. The chief of police doesn't want this bill to change because they won't be allowed to continue to target people. And the disproportionate amount of arrests of black people would decrease. That's why the chief doesn't support this bill. And that's not a myth. That's a fact. And you can check the record from the hearing. Also, do, please. I'm saying this to everybody. Do not stand up and say I care about black kids. If you cared about black kids, this gun issue would have been addressed a long time ago by providing economic opportunity and those type of things to communities like north Omaha. Don't stand up and say it when you introduce bills that will limit the earning potential of youth in my community. Don't pretend you care about them. That is my issue. Don't ask me to come in the Rotunda and talk to you if you work for a law enforcement agency because you just want to continue to target black people. Let's make it plain. Let's be honest here. And I just-- it's a lot of things that frustrate me when people stand up and pretend to care about black kids and talk about black kids this and black kids that. If you really cared about black kids, the, the communities in which they live in will look a lot different today. But they don't. So myself and Senator Wayne have to come down here and fight for legislation to get economic

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recovery. And that's at risk because people pretend to care about black kids. That's my problem. So stop it. Please stop it. We changed gun laws in 2009 and it increased our prison population. A majority of those people come from the district I represent and they're black. But a lot of you guys will vote for a prison this year thinking that's just public safety and that solves the problem. That's the problem. You all are just pretending and being hypocrites. Please, I'm just imploring everybody, do not stand up and say you care about black kids. I don't want to hear it. It's not being consistent to what's been going on historically in this state, in this country. And it's not consistent what's been going on this session from a lot of people. And I'm over it. I'm tired of it. I'm frustrated. And I got a lot of words I want to say, but I'm not going to say those. But for real, like, what are we doing here? And I understand, you know, this is a polarizing topic. The gun issue is. I understand that because it's a polarizing topic for me as well. You know, I've lost friends to gun violence. I am literally named after somebody that was killed due to gun violence. I wear that with me every day. So don't stand up and tell me I don't care because I do. I have a pen of my best friend sitting at my desk every day who was killed due to gun violence. I care. It matters to me more than most. Many people never had a bullet go straight past your ear. I have. I could easily not be here talking about this issue. But it's frustrating when people pretend to care about my community and keep standing up. I'm tired of "Nebraska Nice." It's annoying. Be who you are. They don't want changes to a gun ordinance because it would prevent them from targeting people that look like me. So standing up making that argument means you find it acceptable for the police in Omaha to target black people disproportionately.

HANSEN: One minute.

McKINNEY: And I'll use a quote from Frederick Douglass: To the lawyer, to the preacher, the politician, and to the man of letters, there is no neutral ground. Who is not for us is against us. Thank you.

HANSEN: Thank you, Senator McKinney. Colleagues, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All those say nay. All those say-- all those in favor say aye. All those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Raybould would move to amend LB77 by striking the enacting clause.

HANSEN: Senator Raybould, you are recognized to open.

RAYBOULD: Yes. Thank you very much. You know, you've heard me talk a lot about gun lobbyists and their intent. You know, I am clearly not in support of LB77. And I think it's important to once again review some of the myths that have been circulating out there. Myth: Owning a gun makes you safer. Here's the fact: Owning a gun puts you at heightened risk for gun violence. Numerous studies have found that gun ownership increases the risk of both gun-related homicides and suicides. Guns in the home are particularly dangerous for victims of domestic violence. The presence of a gun in a home with a history of domestic violence increases the risk that a woman will be killed by 500 percent. Next myth: The only thing that stops a bad guy with a gun is a good guy with a gun. Here's the fact: Armed citizens rarely successfully intervene to stop an active shooter. While the NRA actively perpetuates this idea that ensuring a fully armed citizenry is the best approach to stopping so-called bad guys before they're able to do too much damage, there is very little evidence suggesting that civilians can effectively serve this role. Armed citizens often lack training for high stakes situations and can actually make a bad situation worse. A more effective approach to preventing gun deaths is to enact strong laws and policies to keep guns out of the wrong hands and limit access to highly dangerous weapons of war. An FBI study of 160 active shooting incidences from 2000 to 2013 found that only one was stopped by an individual with a valid firearm permit. In contrast, 21 incidents were stopped by unarmed citizens. Armed citizens can worsen the outcome of a mass shooting. During the 2011 shooting in Tucson, Arizona, an armed bystander misidentified the perpetrator and almost shot the wrong person. Expansive concealed carry permitting laws like the one we're discussing are linked to an increase in violent crime. A 2017 study by researchers at Stanford University found that ten years after enacting these laws, states experienced a 13 to 15 percent rise in violent crimes. Sadly, a gun is more likely to be stolen than used to stop a crime. According to an analysis of the National Crime Victimization Survey, guns are nearly twice as likely to be stolen than to be used for self-defense. Next myth: Mass shooters specifically target gun-free zone. Here's the fact: A small percentage of mass shootings occur in locations where guns are prohibited. This myth is often used to stop legislative efforts to limit gun carrying in certain locations that are considered particularly sensitive or unsuitable for guns, such as schools, houses of worship, or government buildings. However, most of the incidents in the United States in which a single shooter kills four or more people, the FBI's definition of a mass shooting, do not occur in locations where guns are banned, but rather in private homes or public locations where individuals are free to carry guns. There is absolutely no

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evidence that mass shooters specifically seek out locations where guns are banned for acts of mass violence. Next myth: Gun laws do not work because criminals do not follow the law. Here's the fact: Gun laws are effective at reducing gun violence. I spoke briefly about what New Jersey State has done. I spoke also about California and their very strict concealed carry permit. The fact that some individuals will undoubtedly violate any given law is not a reason to eliminate such laws altogether. Eliminating concealed carry laws that we currently have in Nebraska is a very bad idea. Strong gun laws such as requiring background checks for all gun sales, prohibiting certain dangerous people from buying or possessing guns, and limiting access to highly dangerous weapons of war are effective at helping keep guns out of the wrong hands in order to prevent gun violence and save lives. A 2016 study found that the ten states with the weakest gun laws have an aggregate level of gun violence that is more than three times higher than the ten states with the strongest gun laws. Two studies done by Johns Hopkins Bloomberg School of Public Health demonstrate the impact of permit to purchase laws that include a background check requirement. When Connecticut implemented this law, gun homicides in the state fell 40 percent. When Missouri repealed a similar law, gun homicides in that state rose 25 percent. You know, I stand before you today, I can talk and talk about what other states are doing that has had a dramatic impact on saving lives in their community. And that's what we're faced with today. For the Nebraskans out there listening, I hear you. We know that the majority of Nebraskans and all law-abiding, responsible gun owners want commonsense gun safety measures. There is just a small minority of individuals out there that are advocating for less restrictive gun laws. It's really sad. You know, I've asked this question to you all before, and I will continue to pose the question to you all until someone stands up and answers. The question to you is, what are you doing to keep Nebraskan children safe from gun violence? And I heard from senators talking about what's going on at the border. I've heard senators talk about the fentanyl crisis, but I haven't heard exactly what gun safety measures are you advocating. How do you intend to keep our children safe? What we see throughout the country is, is, is heinous. It's awful. It's, it's indescribable the tragedy and the loss and the sadness that these families are going to be facing. But it's not just the families that are impacted. It's the entire community. Uvalde, Texas, is still reeling from the loss of all those children. Parkland in Florida is still reeling. Sandy Hook, they-- all the parents have become advocates in their grief and sorrow. They just want to make sure that no other community, no other family knows the awful loss of losing their child to gun violence. And that's what I'm asking my colleagues today. Let's turn this around.

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Let's keep Nebraska safer. Let's keep our law enforcement safer. Please vote down LB77. We have a duty and obligation to keep our children safer and to keep law enforcement safe. Thank you, Mr. President.

HANSEN: Thank you, Senator Raybould. And you are next in the queue so you're recognized to speak.

RAYBOULD: Thank you, Mr. President. You heard me talk about the police chiefs in Lincoln and Omaha. And I just wanted to share with you this is the International Association of Chiefs of Police. And this is all the more reason why we do not need a concealed carry bill like LB77 that is a permitless, no background check, and no training. And we all recognize and I've heard and I want to thank my fellow senators for speaking out how invaluable that gun training is, not only the use of the gun, but also safe storage of both the ammunition and the gun itself. And that training is always a good thing. So please, somebody has to tell me why LB77 where you remove the training component, where you remove the background check, and where you remove the permit that is required. The fee is \$100. You know, in, in our consti-- Nebraska Constitution, it talks about hunting license. And there you, you have to have a permit to have a hunting license. So why would you not have a permit for a firearm? You have to have a driver's license to drive a vehicle. Why? Why would you not have a permit for someone to drive a vehicle? But here is what the International Association of Chiefs of Police say. The IACP, International Association of Chiefs of Police, holds that the responsibility of carrying a concealed weapon should include a thorough familiarization and training with the weapon carried basic instruction on the fundamentals of carrying a concealed weapon and understanding when the use of a concealed weapon is legal and/or advisable. They also talk about automatic assault weapons. I know that's not the discussion today, but I know that that was another big issue that they have. And they were obviously in support of an assault weapons ban. And in the period of that assault weapons ban from 1994 to 2004, the proportion of assault weapons traced to crimes fell by a dramatic 66 percent. You know, these issues of trying to keep our communities safe should be first and foremost in everything we do. The chief of police also went on to say, concealed carry reciprocity. The IACP opposes any federal legislative proposal that would either preempt and/or mandate the liberalization of individual states' concealed carry weapons laws pertaining to the carrying of concealed weapons in other states without meeting the state's requirements. Lessening the requirements for something that can cause so harm to so many people, especially law enforcement and our children, is something that we should take quite seriously and

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reconsider. The other report that just came out in March of 2023 that also further substantiates states that have strong "gudland"-- states that have strong gun laws have lowest rates of road rage. You know, it's, it's, it's common when people drive, no matter what country you drive in, there are frustrated drivers. Traffic is moving too slow. But what we have in the United States with our road rage is exacerbation of having free and ready access to firearms. States with permitless carry have by far the highest rate of road rage shootings with injuries--

HANSEN: One minute.

RAYBOULD: --or deaths. Thank you, Mr. President. Permitless carry states have nearly triple the rate of road rage shooting victimization than those states with the most protective standards. And again, I ask my colleagues, help me understand why you think this is a great bill that our state of Nebraska needs. You know, you're right. The Second Amendment seems insignificant and subordinate to the right of our children to be safe and the right of our officers to be safe. We are a nation held in the grips of senseless gun violence. This stops today. When we vote this lawless concealed carry down, not our state, not our children, and not our officers. I ask you, please stand with me and other law-abiding gun owners, responsible gun owners for common sense gun safety. Please.

HANSEN: That's time, Senator.

RAYBOULD: --vote no on LB77. Thank you. Mr.--

HANSEN: Thank you, Senator Raybould. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to amend FA22 with AM666.

HANSEN: Senator John Cavanaugh, you are recognized to open.

J. CAVANAUGH: Thank you, Mr. President. So I-- AM666 is a white copy amendment which replaces the bill. It provides that there shall be no fees for issuance or renewal of a concealed carry permit. I understand that most of you would prefer LB77 in the form that it advanced from General File with no amendments that was adopted-- with the amendment that was adopted, AM640. That amendment made changes to the bill that reportedly brought the Omaha Police Union to the neutral stance. But as I tried to argue on General File and I will reiterate here today, LB77 significantly reduced the sentence for gun crimes in a manner that if they were not included in the bill that conservative senators

overwhelmingly support would likely not receive the votes from anyone but the most liberal members of the body. Under the current law, LB or-- and Nebraska Revised Statute 28-1206: A prohibited person carrying a concealed and openly concealed is guilty of a Class ID felony for first offense and a Class IB felony for a second and subsequent offense. A Class ID felony has a mandatory minimum 3 years and a maximum 50 years in prison, and a IB felony is a 20 years to life. LB77 creates a new crime of carrying a concealed weapon by a prohibited person, a Class I misdemeanor as a first offense and a Class IV felony for a second and subsequent offense. A Class I misdemeanor is punishable by not more than one year in jail and \$1,000 fine. A Class IV felony carries a maximum sentence of up to two years. LB77, as written, has a wildly different penalty for the same conduct committed by the same person. An offense that is currently 3 to 50 years in prison is only a misdemeanor under this bill. A second offense, which carries a maximum sentence of life in prison, should be considered only a maximum of two years under this bill. If I were defending a client charged under the existing prohibited persons statute and he was carrying a concealed weapon, I would argue for the lesser penalty in LB77. At least LB77 creates a lesser penalty, include-- lesser included offense where one of the essential elements of the less serious offense is arguably the more serious crime. But it might actually incentivize criminals who are currently prohibited from carrying firearms of any kind to carry them concealed because the penalty for doing so could be less than carrying openly. So that's kind of just a laying out of one of my fundamental problems with the bill. I guess I should probably address what AM666 does, which strikes the entire bill and replaces it with: There shall be no fee for issuance of a renewal or permit. So we heard at the hearing I know and on floor debate and the last time this bill was up and when this bill was, similar bill was debated two years ago or last year that people shouldn't have to pay to exercise a constitutional right. We heard it many, many times from individuals on this floor. And we've had-- we had the conversation. I pointed out and others pointed out that there are plenty of constitutional rights that require some sort of fee to exercise them, like the free-- the assembly clause requires a fee for parades or events held, say, on a courthouse steps or city hall steps that there's often a fee associated for that organization in that exercise of your constitutional rights. But I-- I mean, I personally think that we shouldn't really be charging that. I know that that's a cost that the city usually charges to make sure, you know, for whatever reasons for administrative costs we'll say. And I know for parades and things there is usually a cost associated with providing security associated with those events. But nonetheless, I think it's,

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it is untrue to say that we don't-- that government doesn't charge individuals to exercise other rights. But in that vein, in the spirit of compromise, I took that, those criticisms, those comments from people from the hearing and from on the floor here and I have proposed AM666, which would say that there's-- the only change in our current law is that actually, well, it strikes out the language requiring a fee for both the initial application and for the renewal. And it says that there shall be no fee for that. So people would still have to go through the other precautions that we currently have in law, which include going to the State Patrol, taking a class, getting the kind of education that provides broader safety to the community. And that is, I think, serves the objective of lifting the government, the hurdle, the burden on individuals that we place on them to exercise one of their constitutional rights and is minimizing the government intrusion into people's lives. So that's the compromise I'm proposing with AM666. I'm going to say it a bunch of times because it sounds funny. How much time do I have, Mr. President? Is this a five-minute? No.

HANSEN: 4:37.

J. CAVANAUGH: Oh, wow. Well, I've got some more time to talk about it, I guess. So that's pretty clear. I think it's easy to understand. If people have any questions, I'd be happy to answer them. I would just say I don't have a fiscal note on it. But looking at the fiscal note from the underlying bill, the Nebraska State Patrol states that they receive approximately 23,417 permit applications in a given year. The permits result in a gross revenue of \$100 per permit and \$50 for renewed permit. NSP, Nebraska State Patrol, estimates the gross total revenue for all estimated permit proceeds at a total of \$1,831,033. And with permits be-- with permits be reduced by this bill to be 10 to 33 percent. So they were assuming that people would still get-- some people would still get permits, which would result in a total gross decrease of between \$180,000 and \$610,000. So the relevant point is assuming that the same number of permits and renewals a year, the fiscal note of my proposal would be somewhere around \$1.8 million for the state in lost revenue as a result of forgoing those permit payments. But seems like a bargain, I guess, to say we are preserving people's right to exercise their constitutional right, but we're still preserving the safety of our communities through ensuring that individuals who are concealed carrying are going-- meeting a minimum standard threshold of education and understanding of how to behave in the world when you are carrying a weapon in public spaces. That people then also understand the obligations they have, which are still obligations they have under the statute that they won't be having-- won't be receiving the education for, which is another one of my

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problems with having no permit, obligations like declaring to a law enforcement officer that you are carrying a firearm and there's separate penalties for failure to disclose in that. And so they would still have those sorts of education requirements, still have the, I guess, actual ID itself to carry with them so that they can identify themselves, which really was one of the other concerns, I think, in this bill that has a separate self-authentication identification for individuals. So it, I think, is a reasonable compromise. I would, I think, appreciate getting to a vote on this at some point today. I think we've got time to do that. And it would serve as a middle ground between what LB77 as amended is and what the opponents of this bill have articulated as their issues with it and addressing the concerns of the broader community of individuals who came and testified in favor of this bill, who said that they don't think that they should have to pay these fees. So this is my suggestion, modest proposal, compromise, middle ground between where I am and where Senator Brewer and others are. And I put it out there and I would hope that everyone can come together and support this. I think we could vote on my amendment and move on to the next bill and move on from LB77 and resolve this issue in a amicable way. So that's my proposal. Thank you, Mr. President.

HANSEN: Thank you, Senator John Cavanaugh. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Raybould would move to recommit LB77 to committee.

HANSEN: Senator Raybould, you are recognized to open.

RAYBOULD: Thank you, Mr. President. You know, I had a constituent write to me, and I thought it was, was very interesting and spot on. He stated, he says it's his view of the duties of the Unicameral are through legislation to protect its citizens, to protect businesses, solve problems of law, protect the environment and overall state as a whole. And he said, in reviewing LB77, I have a hard time understanding what protections LB77 provides and what problems LB77 resolves. And that's why-- I know Senator Brewer has worked incredibly hard on this piece of legislation. But it's not right. It's not right for my city of Lincoln. I hear from our city council, I hear from our chief of police. I hear from our mayor. I think Senator Brewer has done an admirable job, but it's not ready yet. And that's why I do support the recommit to committee. But this is what my constituent said. He goes, to hunt in the state, you need a firearm-- to hunt in the state, you need a permit license and all the associated stamps. The questions he raised are, why is it acceptable to eliminate any

registering required of concealed carry with the potential of personal injury? He says the government tracks virtually everything as a means to improve the state as a whole, yet appears to give up this data for concealed carry. It appears to me that LB77 is just an end run to get around interpretations, arguments regarding the meaning and intent of the Second Amendment. This is a good question. I love questions to ask my colleagues and fellow Nebraskans watching. Will removing permits to carry increase the number of weapons in the public on a daily basis? And the answer is, most likely. And then he challenges it. Well, why are you passing this bill? With law enforcement potentially lose-- will law enforcement potentially lose track of the number of weapons that are maybe carried daily by citizens? The answer is, yeah, they will. You don't need a permit for it. Is it important that law enforcement have an understanding how many weapons are in the public realm? And the answer is, I certainly would hope so. Will the increase in weapons in the public realm increase the chances for a weapon to be brought into an off-limits location? The answer is probably yes. We talked about different areas. Certainly in Lincoln it could be in all the tailgating parties, it's our parks and recreation, outdoor concerts, you name it. The question is, will more guns in the public realm increase the likelihood, probability of an innocent bystander being injured in crossfire? Answer yes. Probability increases and I had already just mentioned road rage. Road rage combined with a firearm is, is another serious situation to consider. Is it prudent for the Unicameral to knowingly increase the risk of bodily injury deaths of citizens by knowingly increasing the number of weapons in the public realm? The answer is no. That's not what our business is about. Our business is about protecting those in our state. Are citizens carrying weapons required to use self or automatic locking holsters as law enforcement use to prevent accidental discharge or others from taking the weapon? The answer is no. You know, we don't need to pass this bill, and I ask that it be sent back to committee for further consideration. It's really quite dramatic when you take away preemption from cities like Lincoln and Omaha. That does irreparable harm. We can't get that back except through another act of legislation with the state of Nebraska. And that's a really scary thing to think about. One of the things that I had introduced, and I hope it will come up soon, is to talk about suicide risk protection order. This is something that I presented before the Judiciary for their consideration. You have seen many states around the United States enact what are called red flag laws. Nineteen states have enacted red flag laws and they are successful. They are saving lives. And in our discussions about red flag laws, we had a very brave woman named Mary Steiner, who shared with us the tragic story and loss of

her son. And I wanted to share it with you all today and why it's important that we continue to focus on legislation like suicide risk protection orders, like extreme risk protection orders that give our families more access to tools that will help keep their loved ones safe, especially that loved one who's been experiencing a mental health crisis and an issue and concern of threat of doing harm to themselves or to others. These things are important. These are things that we as a legislative body should be looking at, not reducing restrictions and requirements that are reasonable, that are common sense that we currently have in place to give law enforcement the tools they need to succeed and to help families. Mary Steiner's story is a real story. She spoke about Governor Pete Ricketts explained during a June 10 town hall meeting in Grand Island that court processes exist where if someone is adjudicated to have mental health issues, that person loses the right to have firearms. Sadly, the legal system did not follow this process, which resulted in my son, her son Richard, dying by suicide on November 28, 2020. That's why red flog-- red flag laws matter. In July 2020, law enforcement officers in Merrick County confiscated my son's firearms. These officers took Richard to a mental health treatment facility in Kearney for evaluation. Less than a week later, the facility discharged my son. Richard suffered from bipolar depression, a persistent severe mental illness that has a 20 percent rate of suicide among those who are not receiving treatment. While the mental health system did its part to offer treatment services, Richard refused them. Richard's noncompliance prompted me to meet with Merrick County Sheriff to ask him to not return Richard's guns to him. He agreed Richard should not have access to his guns, but would have to confer with the county attorney. It was a determination of the county attorney that the sheriff legally had to return Richard's guns to him if he asked for them. There was no mention of having a hearing prior to the return of Richard's firearms to determine if Richard remained a threat to himself or to others. However, the sheriff did tell me that he could not return the guns without Richard providing proof of ownership. I had no recourse but to hold on to the hope my son's disorganized mental state would keep him from locating those documents.

ARCH: One minute.

RAYBOULD: Thank you, Mr. President. Richard shattered that hope when I saw him retrieve his handgun from his pocket in front of my husband, our young granddaughters, and me while we were eating dinner on that Saturday after Thanksgiving. Over a year later, one of the deputies who responded to Richard's suicide told me that he had been struggling with guilt since the death of my son. He was the one who returned his

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guns to him, but he said he had no choice but to give them back. I assured him that he was not to blame for Richard's death. She says I blame the death of my son on the lack of a red flag law in Nebraska. This law would have necessitated the legal system to respond to the concerns I voiced to the sheriff by convening a group of mental health experts and legal experts, including petitioning family members to weigh in on whether the sheriff should return Richard's guns. And I asked my colleagues, why are we not focusing on these type of issues?

ARCH: It's time, Senator.

RAYBOULD: Thank you, Mr. President.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand opposed to the recommit to committee, and I'm puzzled by AM666 and I would ask that Senator Cavanaugh please yield to a question.

ARCH: Senator Cavanaugh, would you yield to a question?

J. CAVANAUGH: Yes.

BLOOD: Senator Cavanaugh, can you go on record and explain why this is not an unfunded mandate?

J. CAVANAUGH: I would love to. So thank you for the question, Senator Blood, and the interest. So my amendment would basically strike the whole bill and then just put the bill would be that there's no longer a fee charged for getting a concealed carry permit. That fee is charged by the Nebraska State Patrol when someone files for a concealed carry. And so if we adopt AM666 to LB77, then there would be an A bill that would, in my estimation, based on reading the current fiscal note, would be somewhere around \$1.8 million. So we would have to fund this because the State Patrol is an agency of the state. And so if we're telling them we're taking away their funding, they would-- we'd be required, I think, to backfill that. So we would be mandating them to do that, but I think there would be an A bill that would come with this in that-- about that dollar amount. It might, might be more or might be less depending on how they interpret the amendment.

BLOOD: And so with an A bill, how do we pay for things in state government?

J. CAVANAUGH: By appropriation, you mean?

BLOOD: Yes.

J. CAVANAUGH: Is that your question?

BLOOD: And where does appropriation get its money?

J. CAVANAUGH: You mean, are you asking-- they get--

BLOOD: Like whose money are we spending?

J. CAVANAUGH: Oh, well, the taxpayers' money. Yes.

BLOOD: OK. I appreciate that. The final question I had is, have you discussed this with Senator Brewer?

J. CAVANAUGH: I don't think I did discuss this specific amendment with Senator Brewer other than maybe in passing at some point in the last two years, but not since we've had this debate on this bill, no.

BLOOD: All right. Fair enough. Thank you for the answers. With that, I would yield any time I have left to Senator Raybould should she want it.

ARCH: Senator Raybould, 2:50.

RAYBOULD: Thank you, Mr. President. I wanted to continue the Mary Steiner story about her son, Richard. She went on to say that she wasn't inferring that her son would still be alive today if the deputy had not returned Richard's gun to him. She goes, I know it's highly unlikely that he would find it-- I know it's highly likely he would have found another means to kill himself, yet he would not have had access to a gun that night. Nor would she have experienced the fear of Richard killing my husband, granddaughters, and me before turning the gun on himself. While law enforcement officers responded appropriately when they confiscated my son's firearms, Richard fell through the cracks in a system focused primarily on protecting his legal rights to have access to his firearm, not on his safety or the safety of others. She went on to say, I learned of my son's death when my husband told me, it's over. And she said, no, it's not over. It will never be over. I will forever grieve the death of our son, just as it will never be over for the family and friends of 138 other individuals who died by suicide involving a firearm in 2020 in Nebraska. While 139 may not seem to be a considerable number of people, it fails to account for the ripple effect of suicide. According to the National Alliance on Mental Health Illness, research has shown that for every suicide death, 115 people are directly and secondarily affected. And the

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financial cost of suicide in the U.S. is estimated to be over \$40 billion annually. Based on the research the 139--

ARCH: One minute.

RAYBOULD: Thank you, Mr. President. Based on the research, the 139 gun-related suicide in the U.S. is-- I'm sorry. Based on the research, the 139 gun-related suicides in Nebraska in 2020 profoundly impacted the lives of 15,985 people. These people include devastated parents, children, family, friends, and community. She said, I failed to share with you a phone call I received months after Richard's death. The caller was from the mental health clinic in Grand Island where Richard had received services. She told me that they hadn't heard from Richard and wanted to schedule an appointment to check on him. I had to inform the woman that they hadn't heard from Richard because he died by suicide. There was silence, apologies, assurances that they would not be contacted again. Mary's comment was too little, too late. And I asked my--

ARCH: Time. Senator.

RAYBOULD: Thank you, Mr. President.

ARCH: Senator Vargas, you are recognized to speak.

VARGAS: Thank you very much. I rise in recommitting and specifically for LB77 my opinion on this. I've been against this bill again, still having my city of Omaha and still having the police department there be against this bill is the reason why I'm against this bill. I still believe that we need to maintain that local control. And, and I wanted to make that clear on the record. I still don't have an opinion on AM666. I haven't been able to read through it yet, but I'll be doing that. And-- but I just appreciate the debate and the dialogue here. But I continue to stand in opposition to LB77. and I-- and what I still see and I like data. You know, the Pew Research Center had recent data within the last few years that showed that there is consensus on, on protecting and not repealing the requirement for permits for concealed carry. And this is a point of common ground that we should be maintaining. So for that reason, I'm still opposed to LB77. I'll be a no vote. Appreciate the dialogue and I will yield the remainder of my time to Senator Raybould if she should have it. I'll yield the remainder of my time to Senator Raybould if she would like it.

ARCH: Thank you. Senator Raybould, 3:30.

RAYBOULD: Thank you, Senator Vargas. And thank you, Mr. President. I just want to wrap up Mary Steiner's thoughts about it was too little, too late. And this is the reason why I want to recommit to committee. Why can't we come up with great commonsense gun safety measures? You know, I had talked about the suicide risk protection order, red flag laws. These are the type of things that we as a legislative body should be taking up. It's that important. And that's why this bill needs to go back to committee, because we can do better. We can come up with impactful legislation. Going back to my favorite two questions: How are you as a state senator keeping our Nebraska children safe from gun violence? And how are you keeping law enforcement safe from gun violence? Senator McKinney raised a great point. We can't just talk. We just cannot talk about the impact on people of color. We have to do something about it. And it starts without a doubt with police reform. I know I'm really proud in our city of Lincoln, we've taken great steps. We've always been a very inclusive community, outreach-focused police department. We have been very fortunate. We've had our officers with the boots on the beat for years and years and years. That doesn't mean we do everything right. After the George Floyd incident, we work with law enforcement to take up reforms that they willingly wanted to take on and focus internally on how they can be a better law enforcement service, how they can better serve the community. They eliminated chokeholds. They eliminated no-knock warrants. They wanted to make sure to beef up and step up their levels of community policing and outreach at fundraisers, at fun events that the community can see that they're regular people that care about the people they serve. They wanted to make sure that they implemented police reforms that would make sure law enforcement would be-- have the authority to report on a fellow officer if they use excessive--

ARCH: One minute.

RAYBOULD: --excessive force. Senator McKinney is absolutely right. But this is a different dialogue than what we're having today. And I challenge the city of Omaha to work with Mayor Stothert and their city council to come up with some of the similar reforms that we did. Are they going to help all communities? Maybe not. But if they're not helping any community, we should be doing something. We just can't say, I'm not going to work on this because it doesn't help every community in our state. We have to do something. That's never an excuse for not doing a single thing. We're obligated as state legislatures to take up the call for public safety. And what does that mean? Does it mean relax the concealed carry bill? I don't think so.

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And that's not the answer what the majority of Nebraskans want. They want commonsense gun safety measures that help all Nebraskans.

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I stand in support of AM666 and Motion 113. If AM666 were not to be adopted, then I would definitely want this recommitted to committee. Senator John Cavanaugh's amendment actually addresses my primary concern of the bill. So I appreciate that and I would like to yield the remainder of my time to Senator Brewer, Mr. President. Thank you.

ARCH: Senator Brewer, 4:27.

BREWER: Thank you, Mr. President. Thank you, Senator Cavanaugh. Now, I'm going to use the time to pick on another Senator Cavanaugh. Mr. President, I'd like to address a question to Senator John Cavanaugh.

ARCH: Senator John Cavanaugh, would you please yield?

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

BREWER: All right, Senator Cavanaugh, John. Let's, let's talk a little about AM666. So they-- we'll just from now on will refer to this as the devil amendment. [LAUGHTER] What exactly-- you talked about the number being what you took from the A bill with the, the base bill. Do you think that number would be low if we gave free permits?

J. CAVANAUGH: I first off, I appreciate your naming of it. I was trying to figure out what to call it. Yeah, I do, actually. I think there's probab-- that's why I said that's my guesstimate based off of that. But I think if we made it free, I think more people would use it. Sure. I don't know what that number is, though.

BREWER: OK. I appreciate it. And then just so we get it on the record here, the Reader's Digest version of what AM666 would do besides pay the fee for the permit would be what?

J. CAVANAUGH: Well, the amendment would strike everything else that you've done.

BREWER: Ah-ha.

J. CAVANAUGH: So everything else you're suggesting that we do. And but, yeah, that's, that's it. It would just require-- it would say that everything else stays the same. You just don't have to pay a fee. So I don't, admittedly, I don't expect you to support it, but this is my proposal.

BREWER: Well--

J. CAVANAUGH: My, my counterproposal.

BREWER: That might have been why I asked the question. All right. Thank you, Senator Cavanaugh. All right, let's-- because of the way this is shaking out, I didn't really get a chance to do an opening, so I'm not going to eat time with an opening. Let's just real quick go back as a refresher to those listening. What LB77 would do is it authorized the concealed carry without a permit by people who can legally possess a firearm, It require that the person immediately notify a police officer or emergency responder upon contact and notify them that they're in possession of a concealed handgun. It would preempt local ordinances currently defined in the law. Keep in mind, part of the reason that we did that was right now you can be put-- you can be charged by simply traveling through a particular community without understanding the rules in that community. That shouldn't be that way in Nebraska. Law should apply across the state. And that is where the Attorney General came back when we tried to do a carve-out for Lincoln and Omaha and said that would not be constitutional, that the laws that are made in this body are for the entire state, not for certain parts of it. And what LB77 wouldn't do is it would not allow felons, perpetate-- perpetrators of domestic violence or those with dangerous mental illness or other prohibited persons from carrying weapons. It would not change the list of local areas where concealed carry handguns are prohibited. So they're allowed to keep those areas. And it would not stop businesses from posting that weapons are forbidden from a particular premise.

ARCH: One minute.

BREWER: So what I'm trying to get to here is there's been a lot of things. We have thrown this stew of things together. It's not about suicide. It's not about red flag. It's not about increasing penalties. It's not about road rage. It's not about weapons. It's not about race. It's not about kids. It's not about police. It's not about criminal. What it is, is saying that currently you can open carry. If you should put on a coat, you're not a criminal. It is that simple. It will be

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twisted tonight in every direction possible, but that is not the truth of what we're trying to do. Thank you, Mr. President.

ARCH: Senator Brewer, you are recognized to speak next.

BREWER: All right. Thank you, Mr. President. All right. Along that line, there are some things that you fundamentally have to understand. One of them is you have things that are constitutional rights. They should not be confused with things like driver's license, which is a privileged. And if you want to say there's a particular part of the Constitution that I don't agree with, so we should disregard it, you have lost an understanding of the Constitution, an appreciation of why the Constitution was established in the first place. We heard about myths about gun-free zones. Please understand all these shootings happen in gun-free zones, especially the schools. Do you think that a school that has a resource officer has a less or a higher probability of someone doing what happened yesterday in Memphis? I will entertain using my priority bill for next year to put a resource officer in every school in Nebraska. I think we need to look at that. I think that's a legitimate issue, but we cannot confuse the two. It is not the concealed carry permit holders that are going around shooting up schools and getting in gunfights. So if I have it right, we want to be like New Jersey and California. Just take a deep breath and think about that for a moment. Don't agree. Do we need to look at issues and try and figure out some solutions to things like mental illness? You betcha. But that's not the bill we're talking about here today. And you can take and want to twist, and add and make it sound all horrible. But what we're trying to do here is very basic. It is giving people the ability to conceal carry without going through the permit process and paying for it. We have gone over during the eight hours of filibuster last time that we have a training process for free. So training is an issue, but we have a solution to that. We are going to continue to have this filibuster on LB77. It was filibustered for eight hours. If you remember right last time, I talked about we had crossed the 38-hour mark of constitutional carry in this body going through filibusters or pull motions. So we'll continue through it tonight. I'm going to ask some of those that are supportive to step in. I asked them to step out in the beginning so you can hear some of the issues and we could address them. But I think it's gotten to the point now where those folks at home need to hear from the Nebraskans who do support LB77 and why they support it, rather than just hear this nonstop hatred of the Second Amendment, what we're trying to do. What I will ask that you do is understand that the Police Officers Association, police chiefs have come out in neutral. The sheriff's officer-- sheriffs officer association have come out in support. Does

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the chief of the Lincoln Police Department support it? No. Does the chief of Omaha support it? No. But let's not confuse that with the line officers that are out there. The other thing is, if you get out of Lincoln and Omaha and you go to the sheriffs in these counties and you talk to them, the reason they're supportive is they understand that there are times they cannot be there. Their counties are too big. The requirements are too great, and they don't have enough officers. So--

ARCH: One minute.

BREWER: --they understand that having someone who can be there, who is armed to help in situations is not a bad thing. It is a good thing. I'll pick up the rest next time. Thank you, Mr. President.

ARCH: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. I rise, I suppose, in favor of the Motion 113, but I specifically rise in favor of AM666. I think that Senator John Cavanaugh did a good job of explaining what it does. I don't have to sort of go over that again. But if one of the major concerns that everyone in this body had early on was that constitutional right is being abridged unfairly, I think that AM666, which is weird to say over and over, addresses that concern by ensuring that individuals can receive both training and their permit essentially free, free of cost. And I think that's going to be very, very important. I think that if AM666 were adopted that this bill would likely go through with very significant support. And so in an effort to sort of come to that compromise, I appreciate what Senator Cavanaugh has done and I would support that amendment. I want to go back to the bill, though, as it's currently written prior to the amendment with LB77 because there are some concerns that I have as well as some other individuals that have been raised with me. My biggest concern with LB77 as we have it before us is that it sort of usurps the local control of entities like cities like Lincoln here where I'm from, to, to introduce laws that they believe are best for their area. Every city is different. And so, you know, one of the concerns that folks from Lincoln or the city of Lincoln have talked to me about is the fact that the taking away of their ability to have that local control is very problematic. I have a couple of specific questions for Senator Brewer, and I did ask him about this ahead of time. So these are not gotcha questions. Senator Brewer, would you yield to a few questions?

ARCH: Senator Brewer, will you yield?

BREWER: Yes.

DUNGAN: Thank you, Senator Brewer. One of the-- one of the questions that was raised specifically with some folks I spoke to from the city of Lincoln is this ability that was built into the bill that folks who are in control of places or premises can outlaw concealed carry of handguns if they post conspicuous notice. Can you tell me whether or not that would apply to public transportation or buses? Because one of the concerns that was raised is that a bus, for example, on StarTran here in Lincoln would not qualify as a person or a place under that part of the law.

BREWER: As I understand it, it would. Yes, it's a premises.

DUNGAN: OK. So the intent of the definition of premises was to include a bus or a public transportation.

BREWER: Yes.

DUNGAN: OK. And then one of the other concerns that specifically came up with that definition of, I guess ambiguity surrounding places or premises would be a park. So specifically required in that subsection is that you have to post conspicuous notice, which I think is difficult in a park that doesn't have fences or gates. Would a park or a public park fall under that places or premises as well?

BREWER: I don't think it would because where you would draw the line, where you're on a road, you're on a park, I mean, there would be a point where basically the city of Lincoln or whatever city would then be off limits because you couldn't establish boundaries.

DUNGAN: And so I think the concern that they specifically sort of outlined was if there was like a public event at a park, like a parade or a Jazz in June we have here in town. Would the city of Lincoln, if they own that park, be able to specifically prohibit it there, or would it still be outside the definition of the place or premises?

BREWER: No, I think if they could establish a boundary, then yes, they obviously could then. So, you know, a concert or any facility like an event center or something like that, you definitely would, would be able to restrict there because you, you own it or you rent it.

DUNGAN: OK. And then I know I'm probably running out of time here and I might punch in again. So I don't want to rush these too much, but one of the other concerns that was raised when this was being talked about on General File are places like Pinnacle Bank Arena here in town

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where the city of Lincoln has control over that. And I think it was articulated that the ability for the owner of a place or premises to restrict a concealed handgun within that premises was covered for places like Pinnacle.

ARCH: One minute.

DUNGAN: Thank you, Mr. President. Would, would the city of Lincoln be able to restrict the concealed carry of a long gun or like an assault rifle or anything like that in Pinnacle Bank Arena? Or is it specifically limited to handguns?

BREWER: Like any other weapon would, would be criminal possession of a weapon so I think, you know, that would be the issue there. You know, specifically if, if it's identified as not an area that would be allowed to have a handgun, then, yeah. But there are other other types of weapons, I guess, is what I'm saying.

ARCH: And I think that was the concern that a number of people had, was that specifically in that part of it, it says that a owner of a place or a premises can prohibit a concealed handgun, but it doesn't say weapon and those two things legally have different definitions. So I just wanted to flag that concern. I'll punch my button in again here and we can continue that conversation maybe down the road. But thank you for answering the questions.

BREWER: OK.

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

J. CAVANAUGH: Thank you, Mr. President. So, well, I guess I rise in support of the recommit motion and, of course, in support of AM666, which Senator Brewer dubbed the "devil amendment." But then I had a good suggestion. I don't know if I'm going to out who gave it to me. But that Damien, of course, is the child in The Omen, who I think was marked with the number 666, if I remember my older horror movies correctly. So maybe that's a better way to describe it. Eventually, we'll figure out the name before we're done here. So I just wanted to talk a little bit about what is involved here. So I do agree with Senator Brewer's question, which is, so the current fiscal note says that there are about 22,000 concealed carry permits, 23,417 permit applications in a given year. So that is new applications and renewals and that averages out to about \$78 an application. So it's about somewhere around 50/50 in terms of applications and renewals. And to Senator Brewer's question, if we made it free, would more people

apply? Probably. I think so. I mean, I think you'd be-- and especially if we pass this bill this year and it gets covered in the news and people say, oh, there's no cost associated with getting the permit. Maybe you'd get a rush of people who want to take advantage of that. They would still have to get the classes. There are classes that are offered for a price. I just saw when I was looking online, I saw one that had like an \$88 special, and maybe I didn't read all of the details to it, but. And as Senator Brewer and others have said repeatedly on this bill and other iterations of this bill, if we adopt LB77, there are organizations that will offer these classes for free to make sure that the citizens who are not required to take them still take them. And so I don't see why we couldn't expect the same offer from those civically-minded organizations to offer classes for free for folks if they decide to apply for the license, the concealed carry permit, now that there's no longer a state fee associated with it. So I think it's conceivable that if we adopt the "Damien amendment" here that we will see individuals being able to effectuate this right or privilege, depending on how you want to define it, without any cost to them. They will have to take the class. But that's the part that the opponents of this bill are concerned about is the class requirement. We are very interested in making sure that individuals carrying guns in public have some sort of education about what's appropriate, what's appropriate for how to behave, where to carry, when they have to identify, all of those things, but also some kind of training about how to behave when you have a gun on you and it becomes an escalated situation, whether it would be appropriate to use that gun in some sort of situation. And I haven't admittedly taken this class. And so I don't know what is the appropriate conduct in those specific situations. But I'm-- I don't carry a gun. And so I would-- but I would hope that individuals who are have had some sort of training. I know Senator Brewer has had a lot of specific training about what to do in specific situations. So that's what this is about. It's just this is a middle road step between where the law is now--

ARCH: One minute.

J. CAVANAUGH: Thank you, Mr. President. --and what people have articulated is one of their problems with the current state of the law, which is the costs associated with getting the permit and where LB77 goes, which has no requirements at all. And so it says we're still going to have people take classes, but we're not going to charge them for the permit. So we're lifting one of the hurdles between that. So it is a step in that direction. It is a modest step, but it does alleviate one of the big concerns for 23,417 Nebraskans and

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potentially more of those folks. So I again, would ask for your support to AM666. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. You know, this discussion about AM666 has me truly intrigued. So, Senator Cavanaugh, I would like to ask you some questions, but first, I would like to respectfully ask Senator Brewer if he would yield to a few questions. And I'm sorry, Mr. Speaker. They will not be gotcha questions.

ARCH: Senator Brewer, will you yield?

BREWER: Yes.

RAYBOULD: Thank you, Senator Brewer. You know, you've heard me ask these questions over and over again of our colleagues. And so I just want you to try to be specific, but if you need to take my time, I would certainly glad to hear your answers. So I just want you to tell me, what are you doing to keep Nebraska children safe from gun violence? If you could just tell me the top two things that you are doing as a state senator of keeping Nebraska children safe from gun violence?

BREWER: Well, I believe that passing of LB77 will provide individuals who can positively affect situations that we could protect children. So we'll start with LB77.

RAYBOULD: And your second one, sir?

BREWER: Of the bills that I have proposed?

RAYBOULD: Anything you've done as a state senator to help keep our children, Nebraska children, safe from gun violence.

BREWER: Well, it's going back seven years, a little hard to just go into the pile of bills and pick a particular one out. I mean, I've done bills that are providing resources to law enforcement that, you know, indirectly would benefit children. So have I written a, a bill to become law that specifically addresses that issue, I have not.

RAYBOULD: Thank you, Senator. The other question I want to ask you is, what are you doing to help keep law enforcement safer in our state of Nebraska? And just probably your top two things that you have done as a state senator.

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BREWER: Well, just this year, the very first bill I proposed was to increase the pay for Nebraska state troopers. And we have done a bill to provide, and this was through the Fraternal Order of the Police, vests for them to use at the Nebraska State Penitentiary. And last year, we passed the stolen gun bill, which was directly at the request of law enforcement.

RAYBOULD: Thank you, Senator. I know that's something that we passed as well in the city of Lincoln. That was something I was very proud of as a city council member, to have safe storage for vehi-- for guns that are stored in vehicles. I think that's really, truly important. You know, Senator Cavanaugh, could I ask you a couple questions about your AM666?

ARCH: Senator John Cavanaugh, will you yield?

J. CAVANAUGH: Yes.

RAYBOULD: So how do we-- how do we make something like that happen or does, you know, we're talking about recommit to committee. Is that the appropriate location for amendments like this and certainly other amendments that I would like to offer as well?

J. CAVANAUGH: So you're asking if we recommit it to committee, would that be an opportunity for the committee to amend it?

RAYBOULD: Yes, that's, that is correct.

J. CAVANAUGH: Yeah, I think if we recommit it to committee, then the committee could, could take original action on it as though-- as they did whenever it was back in February or I don't know when they voted it out. But I think they could, yeah, report it out with the committee amendment.

ARCH: One minute.

J. CAVANAUGH: That contemplates some of the suggestions that have been made here.

RAYBOULD: OK. Thank you, Senator. I did want to address something that Senator Brewer had mentioned about all the other things that I seem to keep bringing up. Well, the reason why I'm bringing up other matters, like red flag laws that we know save lives and other things that states have done, you know, oftentimes as legislatures, certainly I did it as a city council member and as a county commissioner, we were constantly looking at what are the best practices in other

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communities, how they've been successful, how this has saved taxpayer money, but how things that they are doing say-- save lives. You know, the state of New Jersey is proud of the gun safety measures they have enacted. Why? Because they're reducing crime. They're reducing homicide deaths. They're reducing the incidence of road rage that involve firearms.

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

ARCH: Senator Brewer, you are recognized to speak.

BREWER: Thank you, Mr. President. Well, since we haven't read it lately and it seems that some people may have forgotten it, let's go right back to our Article I, Bill of Rights, Nebraska Constitution. So: All persons are here by nature, free and independent and have certain inherent and inalienable rights; among these are the life, liberty and the pursuit of happiness and the right to keep and bear arms for security or defense of self, family, home and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes. And such rights shall not be denied or infringed by the state or any subdivision thereof. So again, forgive me if I'm not as understanding as I should be with Lincoln and Omaha. I understand they're the biggest towns and they're pretty important. But there's a lot more to Nebraska than just Lincoln and Omaha. And for those that live in outstate Nebraska, and they travel through Lincoln and Omaha, they shouldn't be subject to laws that are not Nebraska laws, especially when it comes to weapons. Now, back to the issue of training I said I would jump back on. So Nebraska Firearm Owners Association came out two years ago and said, listen, we will help address the issue of training so that you're not paying for it. So keep in mind, the "devil amendment," AM666, is going to cost millions of dollars as opposed to LB77 that's not. Now, there's an A bill with it because they say that these folks will not be getting a concealed carry permit. But what we found in Wyoming and other places is there are a number of concealed carry permits increase because that concealed carry permit will allow you to get instant firearms checks and it will also let you cross state lines. But on the issue of training, Nebraska Firearm Owners Association has the following module. Last time, when we discussed it during the eight-hour filibuster, you got the Website that you can go to, to do this class. It includes firearm safety, introduction to semiautomatic handguns, introduction to revolvers, how to load and unload revolvers, how to load and unload semiautomatic handguns, how to load and disassemble

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weapons, range responsibility, range storage, firearms cleaning and maintenance, methods of concealed carry, methods and techniques of increase in personal safety, conflict avoidance, de-escalation, introduction to handgun ammunition, handgun malfunctions, [INAUDIBLE] to shooting ranges, interacting with law enforcement, interacting with emergency medical personnel, prohibited places, Nebraska's self-defense laws, Nebraska's laws pertaining to the purchase and ownership, transportation of firearms, federal laws pertaining to purchase, ownership, and transportation and possession of firearms, effects of stress, and cover, concealment, duty to retreat, personal defense laws in the home, and setting up a personal training program. All right, so all these modules are online. You simply get a password, go on, and you complete them as fast or as slow as you want at your pace. And then you have the particular documentation you need to go with your completion of the course. So the training part of it is there. Now there is an individual factor. You have to want to have training and that's--

ARCH: One minute.

BREWER: --that's the part that you cannot force people to do. There has to be a point where you have the ability to make your own decisions, and that's true with any of your constitutional rights. But again, we do not force people to get a permit to vote, to have free speech or anything else. For some reason, the Second Amendment is the one part of the Constitution that we think we can force people to pay in order to have that privilege. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. And good afternoon. You know, Senator Brewer has been working on this bill for, I believe, seven years. Senator Brewer has made concessions, has listened to law enforcement from Lincoln and Omaha and others to make sure that he's heard what their concerns are and try to make adjustments to, what shall I say, appease those people. And it's difficult for me to understand why a local unit of government would be able to have authority over my Second Amendment right. That's peculiar to me. Senator Brewer read what the Constitution says, and it says no unit of government should have that authority. But we have granted them over time that privilege to take away our rights. And the comment was made, you know, about are we safer with the more guns we have? And I have a document here of a study that was done, and it shows that in 2021, there were 54,000 U.S. residents over the age of 18 that were polled about using a firearm to protect themselves. It went on to say that of

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those people that owned guns to protect himself, 42 percent were women and more to the court-- more, more than a quarter of African-American people in the United States own guns to protect themselves. The article went on to say that most often these individuals use their weapon, their gun, to protect themselves in their residence or outside of their residence. Several, 34 percent, said they use them at work or out in public. So to stand up and say that society is not safer when there is someone there with a concealed weapon is not a true statement. I had a person tell me a couple of weeks ago there was a lady that came to Nebraska from Texas. She had a firearm, a pistol in her car. Her car was broken into and they took her purse, but they didn't take the firearm. And when the police arrived and they found that she had a gun in her car, which is illegal in Lincoln, they cited her for having a weapon. She had no idea that Lincoln had a different law than the rest of the state of Nebraska or in Texas. And so when Senator Brewer talked about you may have a gun on your hip and you put on a coat that covers that gun, you are now violating, breaking the law. We had an opportunity to vote on this bill a couple of weeks ago. That was a significant vote that day. I believe, if I'm correct, there were 36 people in support of the bill. I have received, I don't know, I would say maybe 100 emails since that vote. And they've encouraged me to vote for LB77 with no amendments. The "devil bill, AM666" is absolutely going to derail everything that Senator Brewer is trying to do. Either we have a Second Amendment right or we don't. And I guess in some cities you don't. But I think it's time for us to become like all the other states who have--

ARCH: One minute.

ERDMAN: --approved constitutional carry. And we can be considered a free state, that you can exercise your Second Amendment right without having to have a permit. I've never understood why you should have to pay something to use my constitutional rights. So I'm totally in support of LB77 and I'm opposed to the "devil amendment" and any other recommit amendment that might be up there. Thank you.

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

BOSTELMAN: Thank you, Mr. Speaker. I rise in opposition to the recommit motion as well as AM666 on the floor amendment. I fully support LB77. I want to thank Senator Brewer. We continue to debate this bill for bringing the-- bringing the bill to the body. I want to talk about a couple of things that Senator Brewer's already talked about, but I think I mentioned before and I think it's important that we talk about them, that's training. The majority, I would say a large

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majority of our youth. If you remember on General File, I spoke about this. I'm a outdoor shooting sports instructor. I had that training for 4-H. We have a large number of students in this state. If you're concerned about kids, my son shot a number of years ago in trap and sporting clays when he was in-- started in sixth grade, all the way through high school in 4-H. I also had students that shot the pistol, target, target shooting competitions, also students who shot 22s and BB guns. Those were done through 4-H. In fact, last week, I think it was I was in Saunders County at the fairgrounds and guess what was going on in one of the buildings there. They had the 4-H students in there, the kids in there, probably about sixth grade, maybe a little bit younger, all lined up, all with an adult standing over them, all getting instructions, all handling BB guns, shooting targets, training, education. Any student, any youth that shoots at any sporting activity that we have in the state through school, 4-H, American Legion, whatever has to have a hunter safety course. And oh, by the way, we're talking about training. So perhaps next year I should bring a bill, as in other states do, Eddie Eagle's NRA training, schools do it in their school. So perhaps that's what we need to do is have that. It's voluntary. But if we want students, if we want kids to get trained, then let's bring a bill. Let's allow it to happen in schools. A lot of schools already do it in, in trap and sporting clays. Well, let's start them out at sixth grade or earlier. If you want training, a number of schools, if you go out to Doniphan first weekend in May, you'll see about 2,000 kids out there shooting. And the years that they've been out there, they've never had an issue, unsafe issue with those kids for a number of years, a number of years, 15, 20 years probably. Training is happening. Training goes on. So if you stand up here and say that there's no training, you're wrong. Training is happening. Businesses, as Senator Brewer says, from across the state, are providing training, giving training, free training. People are taking those classes. If you want to have a concealed carry permit, you have to have the class. So those things are happening already across the state already to our youth, to young people, to adults. That training is, is there. Again, you'll see it in state, local, every weekend on Saturday, perhaps Sunday, if you go to a local shooting club and there's going to be kids out there right now, sixth grade through 12th grade shooting trap. Every one of those-- every one of those youth have received training, have gone through hunter ed, and they receive hands-on training, every single one of them. The other thing I want to talk about real quick will be--

ARCH: One minute.

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BOSTELMAN: --handgun purchase. Thank you, Mr. Speaker. Handgun purchase, if I go to Omaha or other towns, perhaps Lincoln and I purchase a handgun somewhere in town and I don't have a handgun permit or a concealed carry permit, I believe I'm in violation just to purchase it, put it in my car, and go home just because I purchased a handgun. And I can't go-- I cannot go out of state and purchase a handgun. I can't give a handgun to someone else. In order to purchase a handgun, to have a handgun, you have to have a handgun permit or a concealed carry permit. You have to have a background check. Have to. So with that, I want to reemphasize training is happening. Training continues to happen and will happen with our youth and others in the state. I think that's important thing for us all to remember. Thank you, Mr. Speaker.

ARCH: Senators, we have reached the point of the day where we will now stand at ease for approximately the next 30 minutes. When we return at around 6 p.m., Senators Dungan, von Gillern, and Senators John-- and Senator John Cavanaugh will be recognized to speak. Mr. Clerk for some items.

CLERK: Mr. President, new A bill, LB419A by Senator Wishart. It's a bill for an act relating to appropriations. It appropriates funds to aid in the carrying out the provisions of LB419. Additionally, amendments to be printed from Senator Hunt to LB754 and Senator Conrad to LB514 and Senator Hunt to LB296. That's all I have at this time, Mr. President.

ARCH: Senators, we are at ease.

[EASE]

HANSEN: The Legislature will now resume. Senator Dungan, you are recognized to start.

DUNGAN: Thank you, Mr. President. Good evening, colleagues. We've now taken our brief dinner break. And for those watching at home who don't have a full view of the room in here, I will tell you it's a little empty right now but I'm sure people will file back in. I want to pick up where I left off, again, which is sort of enumerating some of the concerns that folks who work for the city of Lincoln and other cities have expressed and just to remind folks kind of what the baseline there is by getting rid of the, the local cities or underlying municipalities ability to regulate guns or weapons in areas that they own, city buildings, things like that, there have been a number of concerns that have been raised. The provision here that specifically

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kind of addresses that in LB77 says: that a person shall not carry a concealed handgun into or onto any place or premises where the person, persons, entity or entities in control of the place or premises has prohibited the carrying of concealed handguns onto that place or premises. So essentially, LB77 still contemplates the ability to prohibit concealed handguns. One of the concerns that was raised with me was that by getting rid of the language that allows cities to enact their own laws regarding to this, that the Lincoln City Code 9.36.130 is essentially invalidated and that's the specific provision under our Municipal Code that says: it shall be unlawful for any persons to knowingly possess or cause to be present a firearm or other dangerous weapon in a city and/or county facility. So the example we keep bringing up here is Pinnacle Bank Arena, and that's obviously the arena here in Lincoln that the city of Lincoln owns or partially owns. And so I think the intent, it sounds like, is to still allow places that are owned by the city of Lincoln to prohibit some weapons but the concern that was raised was that the, the use of the concealed handgun language in LB77 means that the city of Lincoln would no longer be able to prohibit long guns, assault rifles, and things like that if they're able to be concealed. And also and even more specifically, things like swords. Joking though that may sound, in the time that I represented clients, there are people that were alleged to have carried things like swords, knives, machetes, brass knuckles, things like that, and so it's not unheard of. So the city of Lincoln currently has a provision that allows them to say you are not allowed to carry a, a dangerous weapon onto the, onto the premises. And my plain reading of LB77 says that that provision would essentially be taken away. And so I was wondering if Senator Brewer would be willing to yield to another question?

HANSEN: Senator Brewer, would you yield?

BREWER: Yes.

DUNGAN: Thank you. Senator Brewer, again, you and I discussed this a little bit before and so I just want to kind of pick up where we left off. Under LB77's language, would the city of Lincoln still be able to prohibit the carrying of, say, an AR-15 in Pinnacle Bank Arena, and I'm going to say open carry for that, open carry an AR-15 in Pinnacle Bank?

BREWER: Yes.

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DUNGAN: And under what provision would they be prohibited or would they be allowed to prohibit the open carry of an AR-15 in Pinnacle Bank Arena?

BREWER: Well, would they not be restricted from doing that right now?

DUNGAN: So currently the Lincoln City Code allows you-- it says: it shall be unlawful for any person to possess a firearm in a city or county facility. And so something owned by the city you can straight up prohibit any firearms, even open carry.

BREWER: Well, the intent wasn't to change the locations where it's restricted so if they are restricted there then that would continue.

DUNGAN: OK. And so would you be open to a discussion, I guess, about, like, an amendment to clarify that? Because right now, the, the LB77 just says handgun and it removes the city's ability to prohibit the carrying of, like, long guns or other dangerous weapons. And so if we included in the lang--

HANSEN: One minute.

DUNGAN: --thank you, Mr. President-- if we included in language in LB77 to also say that the owner of a place or a premises could prohibit dangerous weapons, would that be something you'd be amenable to?

BREWER: At this point, I'm not amenable to any amendment because an amendment is simply going to derail the bill and move it to where we can't get it through this session.

DUNGAN: And I completely understand that and I want to join the other colleagues of mine who have said how hard you've worked on this. I think that's evident over the number of years. But I just want to be very clear, that's the concern that I think a lot of people have especially from the city of Lincoln, Omaha, and other places is this would remove the ability of a city to prohibit dangerous weapons or open carry firearms in a city and county building so machete, knife, anything like that would perhaps be allowed in a courthouse now which I think is a problem for folks who are concerned about safety in the City-County Building. So with that, I will yield the rest of my time. Thank you, Mr. President.

HANSEN: Thank you, Senator Dungan. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. Good evening, Nebraskans. I rise in support of LB77 and against the numerous amendments that have been applied to it. And as I've shared previously, this is a topic that came up numerous times during my campaign this last year, caused me to do quite a bit more homework on this topic than maybe I had in the past, which of course is healthy. So when I began studying this issue, one of my primary concerns was what do the experts think about this? And I don't know any demographic that's a greater expert than the police officers themselves. And I had developed a friendship with some of the folks from the Omaha Police Officers Association so I went to them and said what, what do you think about this? And I learned about the version of this bill last year that did not, that unfortunately did not pass and, and what the, what the police officers thought about that and some revisions that they had hoped for in there. And, and so I said, well, what will it take to, to see this move forward this year? So, again, I had numerous conversations with them, found out what they didn't like about it before, and, and also talked to hundreds of constituents during my campaign, thousands of constituents, but many, many on this topic, specifically, particularly who were passionate about passing constitutional carry. Actually, heard very few comments from anyone who was opposed to it. There were a few, and, and certainly have received some emails of folks that are opposed. But the most outspoken comments that I got were folks that were interested in seeing it pass. So, again, the, the police officers, those closest to the situation, were concerned and so we started asking more questions. I met with the OPOA a number of times and, and learned what language that they felt would protect their officers and protect the public. And, and, again, these are the folks that, that these are the men and women in blue. They're the folks that are on the front lines that actually will have to come in contact with, with criminals and folks that are law-abiding citizens that are carrying weapons so learned again what it was that was important to them. So those conversations resulted in some comments that came back that, that resulted in some more serious penalties for violations of the law and some greater protections and Senator Brewer and his team were, were gracious about adding that language in in order to remove the opposition from the, from the Police Officers Association and, and, again, that was, that was very important to me. What, what some don't know if you're, if you're not a gun owner or if this is not a world that you're familiar with, is that gun laws are very, very tricky and most gun owners are responsible. Most of them want to, to-- they have good intentions. But, again, complying with the laws can, can be very, very tricky at times. One of the most, one of, one of the most challenging is if you're carrying a gun in a car, which quite

often people will do if they have a permit, I'm a concealed carry permit holder which means that I can legally carry a firearm within reach in a vehicle. But if I had a friend in the car with me who was not a permit holder and let's say we stopped at a gas station and I ran in to grab a soda or something that individual would be in violation of a, of a weapons charge, and they could be charged with that because they would have been in the vehicle. They may not even have known that there was a weapon in the vehicle, but they could still be held in violation and charged with a weapons charge. So some of the laws are, are, they're, they're challenging to understand, but it's important, obviously important to understand them. But some of the changes that will take place with LB77 actually make it simpler for a law-abiding citizen to comply with the law and to meet the intent of the law. As Senator Brewer noted today, you can open, open carry in Nebraska but if you put a coat on over your weapon you're now in violation and that just simply doesn't make much sense to me.

HANSEN: One minute.

von GILLERN: Thank you, Mr. President. I know many people that own guns and many who don't and I, but I have yet to hear anyone say that if LB77 passes I'm going to run out and buy a handgun and start carrying it around. It's just not, it's just not anything that is being talked about out there in the real world. And, and let's be realistic, criminals don't care whether they're in compliance or not. Most gun owners are responsible enough to get the training, get the permit, and follow good practices. But in the end, gun laws are for law-abiding citizens and criminals simply don't care. They don't care if you have a sign on your door that says you can't carry, they don't care what the rules are in vehicles, and they don't care about training. So we can make all the laws in the world but in the end, it's the legal, good intentions, gun-owning public that will comply and the criminals will not. Thank you, Mr. President.

HANSEN: Thank you, Senator von Gillern. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. So, again, in support of AM666 which would-- well, right now we're, I guess, we're on the motion to recommit and I would support the motion to recommit and mostly in the interest of having an opportunity to attach AM666. So what AM666 does for those who are just tuning in for the first time is would strike the entirety of the bill as is and replace it with a change to the permit statute eliminating the fees associated with applying for a concealed carry permit and a-- for the renewal. So there's about

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23,417 permit holders in the state and the department, the Nebraska State Patrol, says that that brings in about \$1.8 million a year and so that's essentially what the cost would be right now. And as Senator Brewer, I think, correctly pointed out if we made this change and eliminated the costs associated with getting a concealed handgun permit more people would probably take advantage of that and so that cost could very well go up. But this is my proposal to obviously be a compromise between folks who want no requirement of a permit at all and those who want to keep things the way they are-- that it is and to address the biggest concern that I've heard which is the costs associated with getting a permit and that people shouldn't have to pay that cost. So I propose this in my willingness to compromise on the issue and to ensure that the-- eliminate the problem that's been identified by advocates for this bill which is the cost while still maintaining the one thing that is the biggest issue for me. So I consider this kind of a classic compromise which is giving up something and maintaining the most important portion. I did want to read, so I looked up an example of a handgun class, a concealed handgun permit class in Omaha, Nebraska, for \$99 from an organization called Frontier Justice which I thought was-- we've got good names all over the place today, Frontier Justice name, and it includes-- topics include cover, cover include knowledge of a way to avoid a criminal attack and to diffuse or control violent confrontation, so seems good diffuse a confrontation, knowledge and safe handling shooting of a handgun and handgun ammunition, seems like something good for people to know when they're carrying a gun around out in public, knowledge and proper storage practices for handguns and ammunition including storage practices which would reduce the possibility of accidental injury to a child, that sounds like a very good thing, knowledge of federal, state, and local laws pertaining to the purchase, ownership, transportation, and possession of handguns. And this is one I've kind of talked about a little bit before that we-- in this bill, LB77, creates some new offenses and but maintains some old ones about obligations that individuals have to, you know, disclose that they've got a gun or, as Senator Dungan's been asking about, prohibited from carrying in certain places. And there is, I think, a legitimate concern that if we don't make sure people know that what their obligation is when they're carrying a concealed weapon that they could violate these laws on accident and ignorance of the law is no defense. And so if somebody refuses to disclose and is found to have a gun on them they could be violating that law and would be convicted of that. Same with carrying it into a place where it's prohibited. Obviously, those places will have clearly marked signs, but it's not beyond comprehension that people would--

HANSEN: One minute.

J. CAVANAUGH: --thank you, Mr. President-- that people would have read the sign and say, well, I can concealed carry wherever I want because we've got constitutional carry. And so could violate that sign without-- because they are unaware of their obligations. And so I think those are some important topics to be covered but I think specifically making sure that anybody who is concealed carrying is aware of what their responsibilities and obligations are under the law so they don't find themselves crosswise with the law. You know, everybody wants to say that only criminals break the law but we may very well be setting up a scenario where people are not intending but still are in violation of that section of law. Thank you, Mr. President.

HANSEN: Thank you, Senator John Cavanaugh. Senator Hunt, you're recognized to speak. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I did want to note, noticed how my microphone is configured and it works fine. Well, I rise in opposition to the motion to recommit and in support of the underlying clean LB77 offered by Senator Brewer. I want to kind of come back and "replow" some old ground. Seems like oftentimes we get on the floor and we start talking about things and it's kind of like going down the golf course, pretty soon you're clear out in the rough, in fact, you are maybe even on a different hole and so we've got to get back on to the fairway again on the hole that we're playing. And I think that's what I want to try to bring us back to. OK, we've talked about a lot of things. We've talked about how to protect kids. We've talked about how do we handle these obscure situations when, in fact, we're really talking about something really basic and fundamental. We're talking about allowing people to have their constitutional rights upheld. We're talking about something as simple as a law-abiding citizen who got the permitting, went through the background check, went through all the things they had to go to, and they had to be older, had to be 21 years of age or older to apply for and obtain a handgun permit. And once they receive that handgun permit, then they can open carry that particular handgun. Open carry requires no training. It does require a background check. It does require all the things that are out there in an application. And let me give you a part of what's in an application to apply for a handgun permit. Number one, you can't be a fugitive from justice. Are you unlawfully-- unlawful user or addict of marijuana, or depressant, stimulants, narcotic drugs? Have you ever been adjudicated mentally defective? Have you been discharged from, from armed forces dishonorably? Are you an alien illegal to the United

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States? Have you ever renounced your United States citizenship? Are you subject to a court order restraining you from harassing, stalking, or threatening your child and/or immediate partner or child or such partner? Have you been convicted at any court of a misdemeanor crime or of domestic violence? That's part of what you have to affirmatively attest to and then do the background check before you're allowed to purchase the gun that you're then allowed to open carry. What we're doing with this particular bill is we're allowing a person who has legally done this and has been illegally allowed to purchase a gun to put that in a holster and instead of open carrying putting their jacket over top of it. We talk about protecting kids. In my district, there are a lot of pickup trucks out there and there are a lot of people out on ranches and farms and if they own a handgun and they have a child that might be there they may want to put that in a console and lock it up. But they'd be breaking the law if they did that because now they've concealed that gun. Those are the practical kinds of things we're trying to avoid. This is just a commonsense kind of law that we're modifying. If somebody wants to bring a bill next year to provide for free training for gun owners, bring the bill. I'll support the bill as long as it's not a requirement to be able to own the gun because then we're going backwards and that's not what we're debating today. So let me be clear on that. I'm not advocating that it be attached to the bill, I think it's inappropriate--

ARCH: One minute.

JACOBSON: --for it to be attached to the bill. But if you want to bring a bill next year that would allow that free training, hey, bring it. Let's talk about it. I'd also tell you that most of you know I'm a banker and right now banks prohibit concealed carry in their institutions. I don't share that belief. Frankly, the problem-- if we want to protect kids harden the targets. If somebody's shooting back, I'll guarantee you those cowards aren't coming in. That's the biggest problem, that's how we can protect our kids. We need to continue to focus on that. Thank you, Mr. President, for your time. I think we're back on the fairway and hopefully we can get on the green at some point.

ARCH: Senator Raybould, you're recognized to speak. This is your third opportunity.

RAYBOULD: Thank you, Mr. President. You know, I'm really glad I'm not a golfer, but, but I do appreciate Senator Jacobson's analogy. And you know, the reason why I bring everything else into this when I talk about gun violence, it's all relevant. And when we talk about

concealed carry those states-- and I'm a real stickler on facts and statistics as you may have guessed. I know the last time, the first time that we debated this issue and we went all eight hours, I remember Senator Brewer and his colleagues challenged my statistics showing that gun violence is the number one killer of U.S. children like, Senator Raybould, that can't possibly be correct. And I said, I'm absolutely right on this. And guess what? I was absolutely right on that. And when I talk about the states that have lax gun laws on concealed carry as law enforcement has spoken directly to, guess what, it's logical. It's common sense. Guess what, those states have an increase in gun violence, an increase in road rage because of the readily available guns and concealed carry even exacerbates that. I gave you my nice little handout of the states, all the United States and those in the bottom ten, those that have the highest firearm mortality rates per 100,000, those are the states that have the least restrictive gun laws. And in particular, the statistics point out very clearly it's the concealed carry permit lists, lack of training and lack of background check, which responsible gun owners certainly believe in training. Senator Brewer, I know, believes in training. We all recognize how essential that is. Background checks, absolutely, how are law enforcement going to know individuals who may have a checkered past, past that in no way should they be in possession of a firearm. So don't go messing with my statistics. They're accurate and they're spot on when it talks about concealed carry and incidents. And for the record, why wouldn't we be looking at states like New Jersey that have had a dramatic reduction in firearm violence and deaths in their state? Why wouldn't we be looking at California because they have done the same and their concealed carry permits are minimal. I know Senator Brewer read explicitly from the Constitution of our state of Nebraska, and it says: All persons are of by nature free and independent, and have certain inalienable rights, inherent rights; among these are life. And that's why I keep talking about children. What are we doing to keep our children safer in a state of Nebraska? Lax, lax gun laws is not the solution. And mark my words, we're going to be tracking this if my colleagues pass it and in two-years time if I see a spike in the increase, I'm going to be back here telling you I told you so because that's the tracking of other states. But the other thing, it goes on: life, liberty, and the pursuit of happiness, and the right to keep and bear for security and defense and family, home, and others for lawful common defense. And it talks about hunting. Well, for crying out loud, we charge \$52 and that's a combo license for hunting and fishing and we're complaining about \$100 permit for concealed carry, you got to be kidding me. I think far less people

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have been harmed hunting and fishing than they have owning a firearm.
So for that--

ARCH: One minute.

RAYBOULD: --thank you, Mr. President-- so for that reason, you know, I think we need commonsense gun safety measures. And I think I'm going to read for probably the fifth time what Justin-- Justice Antonin Scalia said about the Second Amendment right. And I have other things I'd like to add on to it, too. He said, again: like most rights, the rights secured by the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purposes. You know, for example, concealed weapons prohibitions have been upheld under the Second Amendment and there is no doubt on long-standing prohibit-- prohibitions on the possession of firearms by felons and mentally ill or laws forbidding the carrying of firearms in sensitive places. What I'm saying--

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

ARCH: Senator Brewer, you're recognized. This is your third opportunity.

BREWER: Thank you, Mr. President. All right, well, since we just heard on stats, let's, let's talk stats. That's the next thing we go to and Senator Raybould might like to tout her stats but I, on the other hand, do not put much value in her stats. It's a lot of talk, a lot of fast talk, but I don't believe the numbers are accurate. And let's start off by talking about the ten leading causes of death in the United States. Again, this is from the CDC. If we go to age one through four, the leading cause is drowning, 425. You have to go down to the ninth category to find firearms, only 40. If you go to age five through nine, leading cause of death, motor vehicle accidents, right below that is drowning, fires or burning, suffocating. You have to go down to number six to find firearms, 22 compared to 319. Age 10 through 14, number one cause, no surprise here, motor vehicle accidents, then drowning, then land transport, poisoning, fire and burning, suffocation, and then down to firearms. Now, here's where it gets tricky is because the CDC puts the next category between 15 and 24. So these are not children. They start the category, obviously, at 15 but the negative numbers come from those that are 18 and 19. At 18 and 19, you can go to war, you can buy a gun, cannot buy a handgun, but you can buy a gun. So this doesn't exclude gang violence and

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things that come with that. And even there, it's the number six item behind motor vehicle accidents, poisoning, which would include drug overdoses. And even drowning is farther ahead of it. So we can say whatever we want to say on the microphone here, doesn't have any facts behind it necessarily, just have to sound good. Now, again, keep in mind, we're trying to take every evil thing that's happened with a gun and blame it on this bill or say that somehow they're associated. Evil will do evil. And there are lots of folks out there that have evil in their heart. We just saw yesterday a woman decided that she would run down two people and kill them with a vehicle. So we got to, we got to pause again and I've said this over and over and for some reason certain folks just don't get it that this bill is so very simple. Now, does it change some of the city regulations? You bet it does. Again, that was to prevent folks from becoming criminals simply by traveling through a town. Where I am becoming frustrated is, as I said earlier, this is so simple and the open carry is currently the law, concealed carry is what we're trying to do with LB77. These are folks that are law-abiding citizens who are trying to have the ability to concealed carry and not have to pay for that right. Now I understand it's easy to take and bring up a Supreme Court justice's name and say what he's said is what we should follow. I don't believe that's what he meant in those words, but I don't believe any one individual should outweigh the constitution. Nebraska's Constitution, if you don't want to, to pay attention to the Second Amendment in the U.S. Constitution, Nebraska's is very clear that--

ARCH: One minute.

BREWER: --it is for protection of yourself, your family, your business. So when you hear folks try and associate everything else going on in this world and make it part of LB77, that's very disingenuous. This bill is trying to help Nebraskans be able to protect themselves, their home, their business, and should not be associated with all these other things going on. There's nothing about LB77 that's going to cause a zillion people to go out and buy guns. If they have a gun they can concealed carry. If they're not-- if they've met all the requirements to own a gun, they've already gone through the background check, there's no special rules with LB77 that's going to change any of that. Doesn't change the places that you can bring a gun, that's something that, that keeps getting brought up over and over again. Well, what if this what if that, the bill specifically was written and reviewed so that business owners and cities--

ARCH: Time, Senator.

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BREWER: --so that business owners and cities--

ARCH: That's time.

BREWER: Oh, thank you.

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

LINEHAN: Thank you, Mr. President. I rise against the motion 113, against AM-- John Cavanaugh's amendment, against Raybould's amendment, and for LB77. And with that, I will yield my time to Senator Brewer.

ARCH: Senator Brewer, 4:40.

BREWER: Thank you, Senator Linehan. For those that are listening and those that are here on the floor that are new, the history does go back seven years. Five years ago, we started working to try and figure out a solution that would let us have constitutional carry in Nebraska and we could jump through all the right hoops. And we really believed that we had it with, with LB236. So what LB236 was, was a, was a, a bill that was going to allow everyone in Nebraska to have constitutional carry with the exception of Douglas and Lancaster. And it looked like the right solution because it solved the problems of the two communities that, that were concerned about it and had issues, had problems. And when we sent it and we got this message back literally the day before I was to present on the bill and it reads like this, and this is from Doug Peterson, Attorney General for Nebraska: LB236 addresses a topic, the carrying of concealed weapons that is a matter of statewide, statewide rather than local concern not-- it is not able to be delegated to the counties. LB236 also does not provide adequate and-- an adequate definition of standards to guide county boards in their exercising of their discretion to determine ordinances. Therefore, this, this is found to be unconstitutional. So we tried to separate Omaha and Lincoln. So then what we had to do is to go to a negotiating process on LB773. LB773 was last year. And what we did is an amendment, for a lack of a better term we'll call it a police amendment. So the bill came through the first round. We had the votes, everything went fine. Second round, the amendment came up. And because the amendment took away the title constitutional carry, because of the way it was written, there was enough opposition that with the loss of Senator Pahls did not have the votes. Again, it was filibustered. I needed 33. I came up short and LB773 died. So that's how we got to LB77 and Senator John Cavanaugh I, I appreciate his comments on the fact that we have gone to every length possible and Senator von Gillern worked with us to try and find

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that, that acceptable place where the Omaha Police Department-- we finally got there. And that's where when we had the bill up in the first round, we were able to modify it to where we covered the bases. We found that, that place we could thread the needle and have a bill that was acceptable to law enforcement that covered the needs that we had and still was constitutional carry. So if I seem reluctant to amend it understand why, if you give seven years of your life to try and get a bill through and you've been crushed on a number of occasions over in some cases technicalities or someone becoming sick or passing there's a point you don't want to endanger the bill--

ARCH: One minute.

BREWER: --because you put so much work into it. And we finally got to the point where it's a good bill. It does exactly what we want it to do. We've got support from the folks that are most going to be impacted by it. So it's not that I don't want to listen to ideas on amendments, it's that at this point we have worked and worked and what we have is a good bill. And I just ask that you support LB77. Thank you, Mr. President.

ARCH: Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. Good evening. I was just looking up some statistics, and I, I may read this so I get this straight. There are, there are 30,000 gun-related deaths per year by firearms and this number is not disputed. The U.S. population is 324,059,000 people as of June 22, '16. You do the math, that's 0.00925 percent of the population dies from gun-related actions each year. Statistically speaking, this is insignificant. What is never told, however, is the breakdown of those 30,000 deaths. To put them in perspective as compared to the other deaths that happened in the United States, 65 percent of those deaths are by suicide, which would never be prevented by gun laws; 15 percent by law enforcement in line of duty and justified; 17 percent are through criminal activity, gang and drug related or mentally ill people better known as gun violence; and 3 percent are accidental discharges of guns. So technically, gun violence is not 30,000 annually but drops to 5,100, still, still way too many. Now let's look at how these deaths span across the nation. This is interesting. Chicago, the, the city with the most restrictive gun rights, 480 homicides, that's 9.4 percent of all guns-- gun-related deaths in America; 344 homicides in Baltimore; 333, 66.5 percent in Detroit; and 119, 2.3 percent in Washington, D.C. Washington, D.C. numbers are 54 percent higher than the previous year. So basically 25 percent of all gun crime-- gun crimes happened in four

cities. All four of these cities have strict gun laws, so not the lack of the law that is not the cause. That basically leaves 3,825 for the entire rest of the United States. That averages 75 per state. Now, take this into perspective. Here's the issue, California has 1,169 and Alabama has one. So those are the facts. And so as Sergeant Friday used to say on Dragnet: Just the facts, ma'am. Just the facts. So those are the facts. So does it make a difference what we say here when there's only 20 of us in the floor, on the floor listening? Probably not, because everybody in this room and those who are not in this room have already made up their mind. And we say this quite often, for the record, whatever that means, for the record. I hear that all the time, for the record. What does that mean? I don't have a clue what that means, but to some people it sounds like it's something significant for the record. So I hope that my comments are on the record. But I will tell you this, for the record, I am for LB77 with no amendments. Thank you.

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

BOSTELMAN: Thank you, Mr. Speaker. I want to talk about a, a few of the programs I mentioned earlier. First off, I wanted to talk about the Shooting Sports Program of 4-H. The, the focus of all 4-H programs is the development of youth as individuals, as responsible and productive citizens. The 4-H Shooting Sports Programs stands out as an example. Youth learn marksmanship, the safe and responsible use of firearms, the principles of hunting and archery, and much more. The activities of the program, the support of caring adult leaders provide young people with opportunities to develop life skills, self-worth, and conservation ethics. You may explore subject areas such as archery, air rifle, air pistol, and BB gun, small bore rifle and pistol .22 caliber, hunting and outdoor skills, shotgun nine years of age 4-H age, muzzle loader nine years of age 4-H age. The focus of the Nebraska 4-H Shooting Sports Program are the total development of the 4-H member. The shooting sports and related natural resource activities are utilized as a vehicle for human growth and development. It uses the skills and disciplines of shooting to assist young people and their leaders in obtaining knowledge and developing skills. Development of skills within the discipline of shooting and life skills is implicit in the program curriculum and explicitly stated for volunteers. 4-H shooting sports promotes the positive youth, adult interaction and peer leadership. So what about statewide, statewide competitions? The Nebraska 4-H Shooting Sports Program offers opportunities for competition where youth exhibit their skills and abilities and compete with other 4-H members from across the state. A variety of competitions are offered throughout the year on local,

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district, and state level and I spoke about those earlier. This Saturday, if you go to one of the trap ranges in your community more than likely there's going to be kids there, 4-H kids or high school kids there shooting, junior high kids there, they're shooting trap in competition, national competitions, The 4-H Shooting Sports National Championships are held annually at the end of June in Grand Island, Nebraska, at the Heartland Public Shooting Park. 4-H youth from across the country compete in compound archery, recurve archery, air rifle, air pistol, .22 rifle, .22 pistol, shotgun, muzzle loading, and hunting skills. 4-H, any student, any youth can join a 4-H program to learn how to safely handle and use a firearm. Then I want to go to the American Legion, the American Legion has a Junior Shooting Sports Program, is a gun safety education marksmanship program that encompasses the basic elements of safety, education, enjoyment, and competition. Shooters use the .177 caliber air rifle. Both males and females can participate through Legion sponsorship. Disabled youth are encouraged to join as competitive shooting is a sport that creates an equal playing field for all competitors. Contact your local post or Sons of the Legion-- American Legion squadron or auxiliary unit for information about affiliating as a club or an individual. Air rifle competition: the annual 3-Position Junior Air Rifle National Championship is a tournament that begins with post-- postal matches. State and/or regional champions are determined and advance to a qualification round, also a postal match, to determine the athletes who will earn expense paid trips to compete in the national competition. The national competition is a shoulder-to-shoulder match held each July at the USA shooting range facilities and the Olympic Training--

ARCH: One minute.

BOSTELMAN: --Center in Colorado Springs. Training, we talked about training. It's provided for nine-year-olds and above. Now what about kids in your home? There's something called Eddie Eagle and you can go online and you can take this course with your kids online: Stop. Don't touch. Run away. Tell a grown-up. The Eddie Eagle GunSafe Program is a gun accident prevention program that for over 30 years has helped keep kids safe. The program was developed by a task force made up of educators, school administrators, curriculum specialists, urban housing safety officials, clinical psychologists, law enforcement officials, and National Rifle Association firearm safety experts. It began in 1988 with one mission: teach children four simple, easy to remember steps so they know what to do if they ever come across a gun. In 2015, the NRA announced a fresh new Eddie--

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ARCH: Time, Senator.

BOSTELMAN: Thank you, Mr.--

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

DeKAY: Thank you, Mr. President. I rise in support of LB77. As I listen to debate, I feel it is important to recognize that there are circumstances where someone might want to carry a weapon for self-defense and can't otherwise get a permit. It could be a case of money. It could be a case of time. It could be a case that someone bought a firearm ten years ago and now all of a sudden are in a situation where they feel a need to carry a weapon on their person for self-defense. I think it is important to note that if someone wants to, wants to commit a criminal act that has access to a firearm, chances are they will not care if they are permitted to carry concealed or not. In Nebraska, open carry is already legal without a training requirement. What LB77 would do is create consistency within the current open carry laws and give the average person the option to carry concealed and be on a more level playing field with someone who might be carrying a weapon with criminal intent on their mind. I talked to a friend of mine earlier today that teaches hunter safety. You can take hunter safety at the age of 13 through adult. During these sessions, most of the time is dedicated to shotgun and rifles because of the nature of the training for hunting purposes. But there are still time allotted to, to the use of fire-- to the use of handguns. And to my understanding, every hunter safety course uses the same curriculum throughout the state. And with that, I will yield the remainder of my time to Senator Brewer.

ARCH: Senator Brewer, 3:00.

BREWER: Thank you, Mr. President. All right. Let's, let's kind of run through where we're at right now. We've had our, our eight-hour filibuster and we went through what seems like a zillion things there, talked a lot about the history on the bill, history on constitutional carry. One of the things that we just dabbled a little bit into and that was, I think, Senator Wayne that kind of shared the concept. And what I'd like to do is have you try and think about the constitutional restrictions on concealed carry that we're talking about right now happened two years after we became a state. So think about that. Now what unique thing was happening? We know that the very root of some of the gun laws in the United States had to do with Native Americans and the fact that some of the first folks that came here and when the country was first settled weren't real excited about having them

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around or having them with guns. But the laws in Nebraska, the roots of them go back in a whole different way. At the time Nebraska was established, there were a lot of freed slaves coming north and there were folks that felt very uncomfortable about them having weapons. And because of that, the decision was made to put in concealed carry laws that would restrict them from being able to do that. And that has resulted in that 100-and-some years that we have been under a concealed carry restriction. There are a lot of folks who predicted doom and gloom when our permitted concealed carry program was established that there would be shootouts at the O.K. Corral, the end of time as we know it, and none of that came true.

ARCH: One minute.

BREWER: And as a result of that, we, we were able to show that there are responsible Nebraska gun owners and all we're doing now is telling them that we're no longer going to charge you to be a responsible Nebraska gun owner. As we talked before, you're going to have evil out there and they're going to do evil things but you can't restrict the freedoms of those law-abiding citizens to the actions of the criminals and that's what we're trying to say with LB77. Thank you, Mr. President.

ARCH: Senator Dungan, you're recognized to speak. This is your third opportunity.

DUNGAN: Thank you, Mr. President. I would yield my time to Senator Raybould if she wants it.

ARCH: Senator Raybould, 4:50.

RAYBOULD: Yes, thank you, Senator Dungan. You know, fellow Nebraskans out there watching, I absolutely love it when I'm right and I'm right. I, I wish I could show you, but I've just pulled up Fox News, Fox News reported, and they scooped me, they reported in May 26 of 2022, guns now the leading cause of death for U.S. children CDC says. So, Senator Brewer, I don't know but I have to tell you, I, I, I think I probably got a "A" in research from all my professors. So I would say, you know, you're good at the things that you're good at and I know I'm good at the things that I'm good at. Let me just turn this off, but I don't know how to turn off the ads. But I do want to say that here's some more statistics at the Fox-- from Fox News, firearms were the leading cause of death for U.S. children and adolescents for the first time in 2020, the most recent year with data available. While studies in 2016 found that motor vehicle accidents surpassed gun deaths for

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children, a roughly 30 percent spike in the latter between 2019 and 2020 made firearms the leading cause of death. Now I want to talk more about statistics because I know Senator Brewer appreciates them just as much as I do. And as I go along, I shall cite the sources in case anyone has any concerns about the data or research I'm providing. Here's a fact: Each day, 12 children die from gun violence in America, another 32 are shot or injured. That is from the New England Journal of Medicine. Here's another statistic: Guns are the leading cause of death among American children and teens. One out of ten gun deaths are age 19 or younger. Again, U.S. Center for Disease Control, CDC. Fact number three: In fact, firearm deaths occur at a rate more than five times higher than drownings. Again, that source is from the New England Journal of Medicine. Here's another fact: Since Columbine in 1999, more than 338,000 students in the U.S. have experienced gun violence at school. That's source is from The Washington Post. Number five: there are more school shootings in 2022, 46, than in any year since Columbine. And guess what, we're trending in year 2023 to have even more than that. This mirrored America's broader rise in gun violence as it emerged from the pandemic. However, U.S. Department of Homeland Security research shows that if we know the signs of gun violence, we can prevent it and reverse the trend. In 2022, 34 students and adults died, while more than 43,000 children were exposed to gunfire at school. There is help for victims and survivors of gun violence. So how do you stop school shootings and other violence? An estimated 4.6 million American children live in a home where at least one gun is kept loaded and unlocked. These improperly stored weapons have contributed to school shootings, suicides, and the deaths of family members, including infants and toddlers. Another fact: In four out of five school shootings, at least one other person had knowledge of the attacker's plan--

ARCH: One minute.

RAYBOULD: --thank you, Mr. President-- but failed to report it. In a comprehensive school shooting study, the Secret Service and Department of Education found that 93 percent of school shooters planned the attack in advance. When people see the signs and get help, we can end school shootings. I could go on and on about this but I think what is most important is acknowledgment that we recognize the Second Amendment but the Second Amendment isn't absolute. And when I ask everybody what can we do to keep our children safe from gun violence, there are so many things. But this concealed carry permit less no training and no background check is certainly not one of them. I really want to thank Senator Bostelman for, for going over and

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reviewing all the other opportunities where people can get training and I, I couldn't agree more that training is essential.

ARCH: That's time, Senator.

RAYBOULD: Thank you, Mr. President.

ARCH: Senator John Cavanaugh, you're recognized to speak. This is your third opportunity.

J. CAVANAUGH: Thank you, Mr. President. So I rise in support of the motion to recommit and my amendment, AM666. And on, on a personal note I just want to say-- I think I'm probably on this camera-- it's-- so today is Senator John Fredrickson's birthday so we already wished him happy birthday, but another birthday that should go not unremarked is my son William, who may be watching at home today, he's four years old. And so I thought I would take the opportunity since we're on in the evening when he's home to wish him a happy birthday since I won't be able to be there since we're going late. But you can turn off the TV now, William, I'm going to talk about some things you probably shouldn't listen to. So-- but I appreciate the opportunity, the indulgence from the body to do that. So I rise in support of my amendment and, again, I could reiterate the reasons why but I did want to contribute some conversation. We've had people, a lot of data and statistics people citing and, you know, I resist the temptation to, you know, cite, I think it was, was it Harry Truman or Franklin Roosevelt said, you know, there's lies and other types of lies and statistics. But I just-- it's-- while I was listening and I hear people talking and both sides citing CDC studies and so I pulled it up, the CDC's website myself. And I think it's, you know, always important that we have shared vocabulary. We're having the same conversation. We're talking on the same subject and not talking past each other because you can kind of cherry pick things. And from what I've been listening to, it sounds to me like some folks have been citing CDC statistics on accidental deaths and some people have been citing CDC statistics on overall deaths. And so I think you can go on the website, it was pretty easy. I just Googled CDC statistics on deaths by age and you can look and click and drill down and you can see. For anything for, for accidental deaths it does have a broken out by gun deaths, but for others it just has suicides and homicides, which a large percentage of those are as a result of gun-- gun-related deaths. And you can draw from that whatever you want, right? You can look at these stats and you can pick it by age group. They were broken down by maybe ten-year increments and things. But, you know, I think that is an important part of this conversation, it's not the part that

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I've been trying to have. But I think when you start picking statistics, it's good to at least have a shared understanding of what, what statistics we're looking at. So that's, that was my point I wanted to make about that. I think-- well, since it's my third time and not going to get to talk on this again, I would just reiterate about AM6666 [SIC--AM666], which is by some characterizes as the Devil's amendment or the Damien amendment. But I consider it a classic compromise amendment that gives something but not everything to the advocates for LB77 but maintains the safety and security that, that we get from requiring that individuals take classes and have a level of education before they can concealed carry in public. So thank you, Mr. President.

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

HALLORAN: Thank you, Mr. President. Good evening, fellow colleagues and Nebraskans. I stand here in full support of LB77 and against the motion to recommit to the committee. And for the record, before dinner a comment was made, questions were asked of Senator Brewer, they weren't supposed to be gotcha questions but they kind of were. He was asked what he had done recently for the safety of children. Well, colleagues, this is a man that's got a, a pin on his lapel that's not there for decoration. It's not a piece of jewelry. It's a Purple Heart. He fought for this country. He fought for the freedom that we enjoy. He fought, fought to defend the constitution. And I'm sorry, I think asking Senator Brewer, Colonel Brewer a question about what have you done lately for our children's safety was not really the kind of question to ask this man. That being said, there's a lot of talk about gun safety should be a requirement. Next year, I think I'm going to sponsor a bill that requires that all criminals take a gun safety course. Just to repeat that, all criminals should have to take a gun safety course. I know that's silly because they really don't care about the law. They don't care how safely they handle their weapons. They don't care whether they discharge in the wrong way at the wrong person. They're purposely taking their guns after people. And yet we're worried about law-abiding citizens not being responsible and having to take a course while the criminals just kind of just go around willy-nilly without, without any concern about the law. I gathered a couple of examples in Chicago of people that protected themselves from criminals, carjackers, store robbers, protecting themselves with concealed carry but I'm not going to, I'm not going to read those because that's too far from home. I'm going to ask Senator John Lowe to yield to a question and I know the experience he's going to tell you about didn't entail someone that was-- had the protection

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of a concealed carry. But would Senator John Lowe yield to a question, please?

ARCH: Senator Lowe, will you yield?

LOWE: Yes.

HALLORAN: Senator Lowe, would you tell us the story about your wife's incident?

LOWE: Which one?

HALLORAN: Oh, OK, OK, John.

LOWE: Well, my wife will probably ban me from coming home again if I tell this story, but I'll tell it anyway. She has no recognition of the incident because she was knocked out at the time. It was January 3 of 2020, and she and a friend decided to walk down to a bank here in Lincoln, to downtown Lincoln in the middle of the day. It was just about noon so the sun was high. It was not night. There weren't many shadows around or anything else. They went to the bank. They made a deposit for the Legislative Ladies League and then they were walking back to our condo. They were walking, they were laughing, having a good time, and they saw what appeared to be a homeless fellow across the street. He was yelling at himself and yelling at the air and yelling at the ground--

ARCH: One minute.

LOWE: --thank you-- and he then started to walk across the street but not toward them. It was away from them and behind them. In about another 15 seconds he came up, grabbed my wife, threw her against the building, hitting her head against the building, and then throwing her to the ground where she once again hit her head. She was out cold. He ran off. And my friends-- my, my wife's friend stood there and just yelled. The Rutgers basketball team was across the street. They tried to run after this fellow. They couldn't catch him. Downtown Lincoln is not safe at any time, I believe, and it is good if somebody--

ARCH: Time, Senator.

LOWE: Thank you.

ARCH: Senator Holdcroft, you are recognized to speak.

HOLDCROFT: Thank you, Mr. President. I rise in support of LB77, and I, I thought I should take us back in history to, to the time of the revolution and, and, and talk a little bit about the, the foundation of the Second Amendment. We have a tradition in the Navy of, of naming ships after famous battles, USS Lexington, CV-2, a carrier, World War II; the USS Concord, CG-10 [SIC--CL-10], is an Omaha-class light cruiser from World War II; and USS Bunker Hill, which is a current day cruiser and really the ultimate and concealed carry because it carries 122 missiles below decks, launches them vertically for a, for a variety of missions, including it can actually intercept a satellite or knock down an intercontinental ballistic missile. But Lexington, Concord, and Bunker Hill, famous World War-- sorry, Revolutionary War battles, and let me take you back to the ride of Paul, Paul Revere and, of course, Paul Revere remember: One if by land, two if by sea. The Redcoats are coming. The Redcoats are coming. Well, why were the Redcoats headed to Lexington and Concord? They were going to confiscate arms from the citizenry, from the militia. And that's really what started the second Revolutionary War and then just a few weeks later they tried to do the same thing at Bunker Hill. And so that, that's the mindset, I believe, our forefathers were in when they wrote the Second Amendment was to protect the citizenry from confiscation of arms from the government, from the infringement, infringement of the right to carry arms. And there's been some talk about that's not really why the Second Amendment was there and then I would, I would direct you to the Third Amendment. And the Third Amendment has to do with the prohibition of, of requiring the citizenry to board soldiers, which was exactly what happened during the Revolutionary War when the British required the citizenry to board their soldiers in the homes of the citizens. And so I think you can see where the mindset was, the, the ten-- the first ten amendments, our Bill of Rights were written shortly after the Revolutionary War and the mindset of the Founding Fathers was about that, about that time and in resisting really the, the pressure from, from the, from the government and, particular, confiscating arms. With that, I will yield the remainder of my time to Senator Brewer.

ARCH: Senator Brewer, 2:12.

BREWER: Thank you, Mr. President. All right. We left off talking a little about how we got to concealed carry laws in Nebraska and what was happening at the time Nebraska become a state. We also talked about a number of things to include some of those safety programs for kids, which include the Eddie Eagle program and youth hunter programs. We talked about police and how we got to that ability to, to thread the needle and, and meet their needs with making sure that police

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officers were notified immediately upon contact and understand some of these laws that folks are complaining about now were specifically identified by law enforcement as a need. So I'm, I'm just troubled by the fact that there's comments to the fact that should we be having these laws that can cause someone who was carrying a gun and committing a crime to have an additional charge? It's a simple answer, don't commit crimes with guns and then it won't be an issue for you. So if I'm seeming inflexible on that one, that's because I am inflexible.

ARCH: One minute.

BREWER: We talked about training, went through all the specific things that are now available online where you can go through and get the training. And this is, this is far beyond the training that is currently offered in our concealed carry program that you pay for. So that's an option that has been part of the work that we put into LB77. And I just, I can't stress enough that this is about the constitution and your constitutional rights. It is not about all of these issues that we want come up with. We come with all the numbers of shootings and all this. Show me where it is the concealed carry permit holders that are the ones doing the killings in schools or in malls then we have a discussion. But you're condemning the people that are the good people, the evil will be evil. So I just ask you to please understand the purpose behind LB77.

ARCH: Time, Senator.

BREWER: Thank you, Mr. President.

ARCH: Senator Lippincott, you are recognized to speak.

LIPPINCOTT: Yes, sir, I'd like to yield to Senator John Lowe to hear the remainder of his story.

ARCH: Senator Lowe, 4:55.

LOWE: Thank you, Mr. Speaker. So I think I finished off that Lincoln is not a safe place, especially the downtown area near the, near the bus stops where the vagrants congregate. If I was a young lady, I would carry a shock stick, my wife does now, or a, a little personal defense item like that because they all know what that sound is if you click it off when you feel like somebody might be approaching. Now my wife has a concealed carry permit. She was not carrying that day. It wouldn't have helped. She was hit from behind and she was knocked out cold. But I wouldn't go up against her either. I saw her take the

course. I saw her shoot and she is deadly accurate. I have been accosted several times while I was carrying. I never went for the gun. That is a last ditch effort. That's what you do. That didn't come from a training course. That came from my father, my grandfather, and I have taught that to my sons. You never pull a gun on somebody unless there is no other choice. So as we look here at LB77, and I think about the ranchers and about the farmers when they're out hunting and they come to town and they throw a coat on because their shirt is a little ratty, but they have the pistol on their hip, they're now concealed carry. They didn't mean to, they just didn't want the public to see their ratty shirt. They wanted to be presentable. We are not trying to arm everybody in the world. We're just trying to take care of a problem. A problem. We're-- this is a commonsense bill, LB77, and I stand in favor of it fully. Not everybody has the choice to carry a gun because people will look at you funny if you're carrying one on your hip as you walk down the street, you don't want to alarm somebody. My wife doesn't want to be a Two-Gun Sally as she walks down the street and have people call her Annie Oakley but she does want to feel secure and that is important. That is very important. Because if she could have one in her purse, she would feel so, so much securer. Because next time it may not be her that gets knocked to the ground, it may be her friend and then she could do something. She could hold him at bay until the police get there. But if it's just a young lady trying to hold a man at bay you can't do that with your hands but you might if you're able to possess a [INAUDIBLE].

ARCH: One minute.

LOWE: There are many, many women out there that are now carrying in their purses. I don't see many crimes being committed by these women. There are many men out there carrying and they are not committing crimes. As those statistics were being read earlier from Fox News, I just wonder how many of those children were gang members and it was gang the gang. Because as we know, as I look at YRTC in Kearney I see these young men and women that go there that are getting younger and younger and it is a shame. Thank you.

ARCH: Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. I've just been taking notes and have a couple of random comments here and a couple of good-natured jabs which I think we could probably use at this point in the evening. Senator Raybould, you quoting a Fox News poll, somehow I see a little irony in that but thank you. Appreciate that. The birthday celebrations, happy birthday to Senator Fredrickson and to Senator

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John Cavanaugh's son. I wish, I wish you were home celebrating your birthdays. I wish we were all home celebrating with our, with our families instead of the shenanigans we're up to this evening here in Lincoln. I got a text message from somebody a little while ago during the testimony and it says this, this-- I'll just read it as it says, it says: This testimony sounds pretty elitist right now, \$100 is a big deal to me right now and many others. I would love to get my concealed carry and some extra peace of mind protecting my home but with inflation and gas it's just not in the budget right now. And I realize Senator John Cavanaugh has an amendment that is too little, too late and too dramatic of a change but would eliminate the fees. But, again, that's, that's not going to progress this evening. I'm confident of that. There was a comment about Senator John Lowe was talking about his wife being a concealed carry permit holder and going back to my comments earlier about being in a vehicle, having a weapon in a vehicle, exiting that vehicle. Actually, my wife went through the, the permit process and became a concealed carry holder simply for that very reason. It's not that she-- in fact, I don't think she has ever carried a gun on her person but, but she is a permit holder because there are times where we have a, a weapon in our possession and I'm not present with that weapon and she wanted to be able to comply with the law. Again, another example of law-abiding citizens wanting to, wanting to abide with the law. And then lastly, comments about open carry and the fact that open carry is legal, there actually are instances, in fact, the city of Omaha is known for citing people who carry openly even though it's legal in the state of Nebraska because it's considered disturbing the peace. So in many ways, concealed carry, carrying a weapon in a concealed fashion is, is really a much friendlier way to protect yourself and, and to protect others. And with that, I'll yield the remainder my time to Senator Brewer. Thank you.

ARCH: Senator Brewer, 2:30 seconds.

BREWER: Thank you, Mr. President. Sorry about that, I actually sat down and relaxed. All right, let me look where I left off here. All right. As I look through my notes, I've got notes here that, hey, don't forget that you have to reassure everyone that this is not a, a, a suicide bill, has nothing to do with that. It's not about red flag and it's not about road rage and also not about assault weapons, those have all been brought up here. I guess what I'd like to do is offer up and, and this really isn't a gotcha question, a, a question to Senator Raybould, Senator Raybould.

ARCH: Senator Raybould, will you yield to a question, please?

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RAYBOULD: Yes, sir.

BREWER: All right. I made the offer earlier to use my priority for next year to initiate a bill that would put a resource officer in every school in Nebraska. Would you agree to sign on as a cosponsor on that?

RAYBOULD: Senator Brewer, I feel very strongly in local control when it comes to each and every school district. I think they know certainly better the needs of their school systems more than I do. I know in the city of Lincoln I certainly supported school resource officers when we expanded--

ARCH: One minute.

RAYBOULD: --when we expanded them into junior highs. We have school resource officers in our high schools, so it's not something that I clearly am opposed to but I do feel strongly that it's up to each and every school district jurisdiction to make that determination.

BREWER: All right. Thank you. I don't think we would make it mandatory. I think we would offer it as an option to the school because in some cases, financially, they can't afford one. But it would give the school the opportunity to have a resource officer to help protect the school so I don't think that's unreasonable. And I think at some point we have to have the discussion of whether or not we'd be willing to allow staff or designated individuals to be trained and armed in the school because right now they are simply an open target for those who want to harm the teachers and children because there is a no-gun policy and they're left without any options.

ARCH: Time, Senator.

BREWER: Thank you.

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

McKINNEY: Thank you, Mr. Speaker. I rise because I have more comments to say about this conversation. It's a lot of people that are currently texting me telling me don't support LB77. It's people coming up to me asking questions about why and I was clear when this bill originally got placed on the floor where I was at. The gun ordinances in the city of Omaha discriminate against black people. If I introduce a straight bill to address that issue, I would not get that bill passed. I have a bill dealing with police reform that I couldn't get passed in this body. And that, and it, it wouldn't get support from

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both sides because people would think I'm too extreme or going, going too far or local control or let's listen to our police chiefs and all this stuff. So tread lightly when you ask me not to do something, support something, and those type of things because I'm getting really frustrated. People are texting me about this, but these individuals don't come down for criminal justice reform but they want to come down for money and things like that. I'm, I'm biting my tongue saying a lot that I really want to say. I'm, I'm using, you know, self-strength and discipline to not jump across the table and say some things that I really want to say. But I've been straight forward the whole time about this whole conversation. Anything I could do to prevent the police from discriminating against my community I'm going to do because there is not enough political will in this institution or this state to address police reform. And you all know it and I'm not lying. If it was, Congress would have passed something after George Floyd died. If it was, we would have passed a more substantive bill after the protests in Omaha and Lincoln but we didn't. Black men are still dying at the hands of police. Black kids are still being targeted and brutalized by police. And I don't care if the police chiefs say, hey, I will work with you to figure some things out to decrease these things. How about you not oppose criminal justice reform last year that affect my community? He sat on the task force and sat quietly through texts telling other senators not to support Lathrop's bill last year. Stop being hypocrites. Honestly, it's annoying. I'm tired of all of it. So, you know, I'm getting off the mike because I got a lot of words I want to say to some people that I'm not going to say and I yield the rest of my time to Senator Brewer.

ARCH: Senator Brewer, 1:50.

BREWER: I must be getting tired, I'm going to the wrong microphone. OK, well, let's see where we left off here. All right. We talked about having a school resource officer bill, part of that is because if schools can't provide the resources to have one then I think we need to look at an option so that if there's a need that we got a way to provide it. Doesn't have anything to do with LB77 but I think it is an issue that at some point we do have to talk about and figure out what right looks like. Now back on LB77. We have tried every possible angle--

ARCH: One minute.

BREWER: --to figure out a way to do this and do it in the least painful way possible. There are some in this body who it does not matter how we write this bill they will oppose it. The fact that we

are about to hit 40 hours of filibuster debate on this bill, keep in mind this bill is going to allow you to wear a coat and we spend 40 hours filibustering it. And we're going to finish out our time here on this filibuster but the people that are listening have to stop and, and, and just digest that for a second. That is how hard it is to give you a constitutional right. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I rise again in opposition to the motion to recommit and in support of the underlying clean bill, LB77. I, too, want to kind of come back and kind of go full circle again from where I left off earlier, and that we need to remember that we can talk about statistics all day long. OK. There's an old saying: Figures lie and liars figure, from the standpoint that we can make statistics say what we want them to say. But let's remember what it takes to get a handgun permit legally, legally. Let's also remember what we're talking about today, as Senator Brewer just mentioned, we're talking about constitutional carry. We're talking about how a legal gun owner, a handgun owner, can conceal that gun after they've obtained the gun legally with all of the background checks, all of the requirements, and not be breaking the law if they put their jacket on and cover the gun up. We're also talking about someone being able to take their gun, handgun and put it in their console or their glove box and lock it up. They can't do that legally without this permit. And, oh, by the way, to get a concealed carry permit you have to get the training and pay for it but you don't have to do that to get the gun legally to begin with. But we're not talking about rolling back the law, at least I don't think we are, that's not what this bill is about. This bill is just bringing people up, law-abiding citizens being able to have the opportunity to carry the gun and conceal the gun within the [INAUDIBLE] state of Nebraska, the border-- borders the state of Nebraska. I come from a fairly rural district. When I look at the four counties north of Lincoln County and in rural Lincoln County and when I look in Perkins County, there's a lot of wide open spaces. I would encourage all of you at some point to make the drive from North Platte, either up on Highway 97 to, to Mullen or take Highway 83 up to Thedford. You're going to see some of the most beautiful country you've ever seen. But you're also-- I'm also going to tell you your cell phone is not going to work most of the time. You're going to be in the middle of nowhere. And when there's not a full moon and stars, it gets pretty dark and it's just you and your vehicle. And if you want to protect yourself, there's a lot of these folks that own a handgun and they'd like to be able to carry that gun. They'd like to be able to conceal that gun in their console and keep it safe and keep

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it away from children and anyone else. But they're not allowed to do that without getting this, getting an additional permit at a cost along with training that they don't need today just to own that particular gun. That's what we're talking about here. We talk about keeping kids safe and we can go look at the statistics. And I can assure you, if you go to Chicago, they're going to account for a lot of those numbers. Oh, by the way, Chicago has the most restrictive gun laws in the country, and yet look what we get. So there is no correlation, there's no real correlation. If you really unpackaged the numbers, you're going to find that there's an explanation for where the numbers are at and it's purely coincidental that we're dealing with constitutional carry being the cause of this happening. It's a constitutional right that we're allowing people--

ARCH: One minute.

JACOBSON: --to enjoy. That's what we're talking about here today. If we want to take steps to protect kids, put me at the front of the line. If we want to harden our schools, if we want to harden our churches, we want to harden every facility, every building, every public building out there that's a soft target, I'm all in favor of it. You don't read about people going and running into a police station shooting things up because they know what the result is going to be. So they go to soft targets. If you want to protect kids, protect the schools. Senator Brewer is exactly right. But that's not in this bill, that's not what we're talking about today. Today, we're talking about honoring people's constitutional right. If we want to come back next year with a bill that talks about hardening schools, focuses on protecting kids, I'm all ears. I may even cosponsor the bill. I'm all in favor--

ARCH: Time, Senator.

JACOBSON: --of that. Thank you.

ARCH: Senator Ibach, you are recognized to speak.

IBACH: Thank you, Mr. President. I rise today in support as well. I keep going back to what I mentioned when we had the first round of this bill and that is who sent us here and who we represent. I am still a firm believer that I have a lot more emails in my inbox in support. I would just share one of those with you now. This is the most recent one that I just got a little while ago. Dear Senator Ibach, please honor your oath by supporting my Second Amendment rights and hold the line in defense of the freedom of the Nebraskans by

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advancing LB77. A nation that restrains its people's ability to own arms for defense is a nation comprised of slaves. The right to keep and bear arms serves as a bulwark against all forms of coercion and safeguards against encroachment upon other cherished liberties. Ultimately, Senator Brewer's bill, LB77, is an important step in restoring just government to Nebraska. While there is a clear divide between the urban and rural areas within Nebraska, our God-given rights do not recognize arbitrary boundaries placed upon the citizenry by an unjust government. Accordingly, if we wish to have a rebirth of liberty within the nation, we must passionately strive to defend the freedoms that are the natural birthright of all humanity and that effort begins with the sovereign states adhering to their mandate to preserve the liberties of its citizens. Because you represent my interest in Lincoln, you are on the front lines of this unprecedented conflict with those who actively seek to strip me of my natural rights. Thus, you must hold the line and that intense responsibility is yours to bear as a part of the burden of holding public office. Moving forward, I will continue to offer you my support as long as you ardently defend my God-given right to protect life, liberty, and property with commonly held arms. I look forward to supporting you as you fight against the diabolical socialist scheme to fundamentally transform Nebraska. Sincerely, a constituent from Overton. Thank you for bringing this bill, Senator, and I yield the rest of my time to Senator Slama. Thank you.

ARCH: Senator Slama, 2:25.

SLAMA: Thank you very much, Mr. President. And thank you, Senator Ibach. Senator Raybould mentioned her numbers cited Fox News which ended up playing in the background as she was trying to recite back what Fox News had reported. So, yes, Senator Raybould, the data does not lie when the CDC puts together data that does not include children under the age of one and includes adults aged 19 and 18 in their statistics, yes, firearms are the leading cause of death. However, if you add in those one and under, that would always be considered children and every other measurement and exclude those that are college freshmen and sophomores, so 18-and 19-year-olds that are considered adults under federal law, suddenly firearms aren't the leading cause of death anymore. So, yes, when the CDC decides to cook the books, cook the numbers for their own desired outcomes, yes, for the record, that is the cause of death. But when you add in those under the age of one and exclude legal adults under federal law, it's not the case and Senator Raybould would know that. I understand the talking over with the accidental death numbers versus a purposeful death. I, I get it but when you look at the numbers, the numbers don't

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lie. The CDC had a certain angle and a certain agenda when they raised those data points. And also to drive home Senator Halloran's point, which I thought was outstanding, what has Colonel Brewer done--

ARCH: One minute.

SLAMA: --to keep children safe in his lifetime? I can think of a couple things, they're two Purple Hearts. And I've said this on the mike before, and I'll say it again, this man got shot seven times in Afghanistan, recovered, went back after getting his first Purple Heart and then got blown up for the sake of protecting children. So, yes, he's done a whole heck of a lot more for kids and keeping kids safe than most people in this country can even begin to wrap their heads around. So it's a privilege to stand with Senator Brewer in defending our Second Amendment rights with the commonsense LB77. Thank you, Mr. President.

ARCH: Senator Erdman, you are recognized to speak. This is your third opportunity.

ERDMAN: Thank you, Mr. President. I appreciate that. As Senator Jacobson was talking about applying for a handgun permit, a year ago I purchased a handgun at an auction and went to pick it up at the local gun store and I had allowed my handgun permit to expire so I had to go back and start over. So it's not easy to get a handgun, you have to go through a background check and get a permit. That's exactly what I had to do so that's what I did. I've told this story that I'm about to tell you. I've told it the last time that we debated LB77 and when I was a farmer I raised a lot of alfalfa and I would sell alfalfa to horse people in Pennsylvania. And the truckers that would haul steel to Colorado would stop by on the way back for a backhaul and load up with hay. And one morning I was visiting with a trucker that had come from Pennsylvania and he was talking about an incident early in the morning. He had stopped at a Kwik Shop to get a cup of coffee and there was a gentleman in the shop that came in to try to rob the convenience store. This trucker just happened to be a person who had a concealed carry permit and he held the would be robber at gunpoint until the police arrived. Early in the morning, the convenience store operator had no one there to help him. It would have been way too long for the police to respond, but he may have well saved the gentleman's life. So it does happen and it happens more than we think. Let me read you a couple of instances where someone with a gun, a good guy with a gun stopped somebody that was trying to harm them or take their possessions. This is a story about a parking lot attendant. A man approached him in High Point North New Jersey and he pulled a knife

and repeatedly demanded the man give him his money. The 29-year-old parking attendant, the lady, young lady fumbled through her purse and drew out her handgun and told the knife, the knife holding robber check this out and the man fled. It makes a difference. It makes a difference. And Senator Halloran, I think, said it quite well that criminals should be required to take gun training. I thought that was excellent. Here's one, two men forced their way into a Panama City, Florida, motel room while one of the intruders restrained-- restrained-- restrained the lady, the other began to rifle through her possessions, escaping from her attacker's grip she grabbed her .38 revolver and opened fire wounding one of the assailants. Police said no charges will be filed against the lady and added that the 25-year-old woman acted within her rights in shooting the intruder, protecting herself. It's amazing to see sometimes how quickly you need to respond to protect yourself or others and the police cannot be everywhere at all times. A retired, a retired transit officer, John Taylor, from East Flatbush, New York, was walking home when an armed robber demanded cash at gunpoint. After refusing to accept Taylor's pocket change, the mugger demanded his wallet but the 45-year-old transit veteran instead drew a licensed revolver and fired mortally warning the holdup man. According to the Brooklyn District Attorney's Office, the shooter was just-- the shooting was justified and no charges were filed against Taylor.

ARCH: One minute.

ERDMAN: What happens if he didn't have a gun? There are numerous instances that I just described to you that happen every day in this country. It is time for us to become what could be the 26th state to improve-- to approve constitutional carry. There are two other states besides us that are thinking about it or are considering it at this point. So at the end of this session if we pass this, we very well could be one of 28. So I ask you to vote for LB77 and against the Devil motion and the other recommit. Thank you.

ARCH: Senator von Gillern, you're recognized to speak and this is your third opportunity.

von GILLERN: Thank you, Mr. President. I want to read a couple of things that are pertinent to this discussion about LB77 and the first is a letter from the Nebraska Sheriffs Association dated February 28, 2023, addressed to Senator Tom Brewer. Senator Brewer, as you are aware the Nebraska Sheriffs Association initially took a neutral position regarding LB77. In doing so, we expressed our desire to include in the bill a criminal penalty provision for the possession of

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a firearm during the commission of a dangerous misdemeanor. We thank you for considering our concerns and believe that AM588 sufficiently addresses those concerns. The purpose of this letter is to inform you that with the adoption of AM588, the Nebraska Sheriffs Association supports the passage of LB77. I'm going to read that last part again. The Nebraska Sheriffs Association supports the passage of LB77. Please feel free to reach out to me if you have any questions or concern. Signed, Edward Wemhoff, Platte County Sheriff from the Nebraska Sheriffs Association. This is reflective of my comments earlier about the men and women in blue not being concerned with the constitutional carry and, in fact, taking a neutral position in one case and actually supporting it in another case. And then I'm going to read an email I got from a, a woman here in Nebraska today, said the Constitution of the United States of the Second Amendment reads: A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. LB77 is just that simple. This amendment gives the ability to stand our ground, to come together as a people and say no. It's a necessary key part of our government's checks and balances. The right to keep and bear arms is often the only way to keep women safe. I'm not strong enough to fight off an attacker or someone invading my home. The right to keep and bear arms does allow me a fairer fight. Also, many may use this tragic incident in Tennessee to say how guns are bad. Guns are inanimate objects like a hammer. A hammer has been used to kill. The tool is not evil. The tool is not the source of the evil, a person was. Tragic events like what happened in Tennessee most often happen in gun-free zones. And this goes back to-- I'm not leaving my quote from this letter, this goes back to some of the discussion about putting resource officers in schools which I would fully support. And then back to the letter: This is where evil doers are most likely to not face resistance for a longer period of time. I'd like to see the end of some of these but I bet there would be a lot less tragedies if evil doers even thought there would be a resistance. And then that leads me to a text that I got earlier today and it mentions many of the places that are protected by weapons. Our President is protected by weapons, our Congress is protected by weapons, banks are protected by guns, many places are protected by guns. But putting-- simply putting a sign up that says that this is a gun-free zone, not only does nothing to protect the individuals in that zone, but in many ways it's an invitation for evil things to happen. I am fully supportive of doing what we can to protect schools in any way that we can and would support Senator Brewer's idea next year to make it a priority bill, I would love to sign on to that, to provide funds for resource officers. Senator Raybould, I do respect your comments about the individual

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decision-making and local authority and I think that's a great thought also. But we need to do whatever we can to protect our most vulnerable citizens, our children. Thank you.

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

CLEMENTS: Thank you, Mr. President. This would be my first time on this round, but I don't think I've heard lately from Nebraska's Constitution Article I-1, Statement of Rights, it's on page one of the constitution, "All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. My nephew Aaron came to the Capitol on the day this bill was heard in committee and he came and stood in line for two and a half hours because he wanted-- he had something important to say and I would like to recite his testimony from the hearing: My name is Aaron Clements, I'm a lifelong resident of Nebraska. I'd like to thank the members of this committee for their service to Nebraska. Also, Colonel Brewer, for his service to this country. Constitutional carry is, by definition, the ability to carry a firearm without restriction in place by government. In a constitutional carry state, there is no licensing or training required to legally carry a firearm. Concealed carry laws have never stopped a criminal from concealing a weapon. As Martin Luther King, Jr. said "A right delayed is a right denied." The cost of training and applying for a concealed carry license can prevent low-income individuals from obtaining permits. Constitutional carry makes it possible for hard working, low-income, law-abiding citizens to protect themselves without an undue burden. This bill would make it possible for all Nebraskans to exercise their right. Regardless of income, constitutional carry would also reduce government bureaucracy and trim government spending on staffing licensing agencies. Constitutional carry takes the right to bear arms and returns it to the status of a right. If you need to be permitted to carry a gun, by definition it is a permission or a privilege, not a right. I do not believe the right to defend yourself or your family should be contingent upon the government granting you a permission slip to do so. It's time for Nebraska to recognize constitutional carry. It's time for Nebraska to join the 25 other states that have passed laws recognizing constitutional carry. It is time that elected officials of the state of Nebraska stand for the unfringed right of the people of this state. End quote. I agree with my nephew that it's time to honor our

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oath of office to uphold the Nebraska Constitution and I believe-- he, he said it very well describing how he feels about our constitutional Bill of Rights and I agree with him. I yield the rest of my time to Senator Brewer.

ARCH: Senator Brewer, 1:05.

BREWER: All right. Thank you, Mr. President. If the government wants to take a person's rights away, there, there should be a purpose. There should be a process of law. We should not presume a person's guilt. We should not presume a person's neglect. People should be free to exercise their right to-- they should be able to exercise their constitutional right. That's kind of the over and over theme that we've tried to stress this afternoon. This will kind of wrap things up, at least for me today, but I got to tell you I have enjoyed the substantive conversation that we've had and not necessarily been that way on some of the others so that part has been good and I thank everyone for their support. Thank you, Mr. President.

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

MOSER: Thank you, Mr. Speaker. And good evening, colleagues. Well, we've gotten drawn into an overall discussion of gun control and the dangers of unsecured weapons and the dangers of criminals doing criminal acts with weapons. Those are not relevant to the discussion, not relevant to the bill that Senator Brewer is bringing. Senator Brewer's bill only makes it possible to carry concealed without a permit. So current law allows you to carry in most places in Nebraska a weapon on your belt. But if you had a jacket on or you close your jacket and it covers the weapon, then it would be considered concealed and you'd have to have, currently, a permit. Colonel Brewer's bill does not make it easier to get a permit. It does not allow prohibited persons to get a permit. It does not allow people who have mental bars to owning a weapon to get a permit. It doesn't do anything to change gun ownership other than you don't have to get a permit to cover it. So if you had it on your seat and it slides under your seat and it's concealed you're not illegal then. But if you're a criminal and you're holding up a 7-Eleven, you're illegal no matter what you do, whether you've got your weapon out or whether you pull it out from underneath your jacket that has nothing to do with this bill. So when we consider this bill there certainly are tragedies in gun ownership, people who don't take care of their guns, people who do illegal things with their guns. But those things are not affected by this bill, this is just the protection of the constitutional right to carry a weapon. And then if

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I have any time left, Mr. Speaker, I would yield that to Senator Brewer.

ARCH: Senator Brewer, 2:35 seconds.

BREWER: All right, that was my seventh attempt to go to the restroom so hoping that things slow up here so I can actually get that done at some point. All right. I've had a number of questions referenced to training, questions specific to, OK, the website. Again, this is with the Nebraska Farm Owners Association, and this is their farm safety and "permitless" carry syllabus, and if you go to the website it's just simply nebraskafarms.org and then you just set up your own password and you're off and running. Now real quick before I run out of time going to go back over this so that folks remember what is in this farm safety, introduction to semiautomatic handguns, introduction to revolvers, safety procedures loading and unloading and gun safety fundamentals, responsible firearm storage, handgun cleaning and maintenance, methods of concealed carry, methods and techniques for increase in personal safety and reduct-- reducing risk, conflict avoidance and de-escalation and best practices, introduction to handgun ammunition, handgun malfunctions, introduction--

ARCH: One minute.

BREWER: --thank you-- introduction to a shooting range, interaction with law enforcement, interaction with emergency medical responders, prohibited places-- OK, stressing that, keep in mind the discussion we've had on Lincoln and some of the issues there, Nebraska state laws pertaining to the use of handguns for self-defense, Nebraska laws pertaining to purchase, ownership, transportation and possession of handguns, federal laws pertaining to the purchase, ownership and transportation and possession of handguns, effects of stress and physical abilities on defensive situations, cover concealment, duty to retreat, personal defense laws for your home, and setting up a personal training program. Thank you, Mr. President.

ARCH: Senator Lowe, you're recognized to speak. Senator Lowe waives. Seeing no one left in the queue, Senator Raybould, you're welcome to close on your recommit to committee motion.

RAYBOULD: Thank you, Mr. President, and I really appreciate my colleague's comments this evening but I, I must dive in right away. I'll start with Senator Slama. I know in my opening remarks that I have a feeling she didn't hear, but I did acknowledge Senator Brewer and his extraordinary bravery and heroism on behalf of protecting our

country. And like many folks out there and Nebraskans still listening I am eternally grateful. It was never a gotcha question that Senator Halloran mentioned. I've been asking the same two questions for the last, I don't know how many hours we're on, but the two questions have always been and I've told senators I'm going to ask you this question sooner or later. What are you doing to protect Nebraska children from gun violence now? The other question is, what are you doing to help protect law enforcement from gun violence? So I think I wanted to clear that up. And this, this one really made me laugh when Senator Slama was really parsing Fox News Network and I was a little shocked that she would discredit Fox News. I thought they were the one known for their accuracy and authority and integrity on reporting the facts each and every election cycle. Senator Halloran, I want to go back. I, you know, I had a good laugh when you were saying, you know, good luck, let's, you know, next year let's introduce a legislative bill to make sure guns get safe gun handling. Well, you know, I am just a, a freshman senator trying to get legislation passed on a pilot project to make sure those that are accused of domestic violence get actual training and help while they're still in the Penitentiary. I'd like to focus on that bill first. I think maybe your bill about getting criminals additional background training, etcetera, is, is going to pass more than mine but I think mine is a much, much more worthy bill than what you are proposing. You know, I've heard a lot about Second Amendment, Second Amendment, our rights, our rights to Second Amendment. But, you know, I could spend probably another hour, if you would like me to, and introduce another amendment or another motion talking about what my constituents are telling me. I had a, a, a text from a mother who's expecting their second baby and she said her anxiety is climbing every day. News like what we receive today from Nashville is painful to hear. I'm begging you to please help. We do need to do more. Our children deserve better. Our children deserve safety. Please vote no on LB77 and advocate for stricter gun policy and assault weapons ban, etcetera, and I would be happy to help in any way I can. Well, that's not what we're doing here today. I'm not advocating assault weapons ban. I'm just saying keep a concealed carry permit plan in place. Why? Because our law enforcement tells us that it keeps our community safer. Law enforcement tells us, the Chief of Police Association tells us those that have concealed carry permits are likely, more likely there's more crime in their communities. I'm not saying that those law-abiding gun owners that have concealed carry permits are the ones that are committing the crime, but I'm saying these are the numbers and statistics. You can challenge them all you want. I think Nebraskans have, have probably heard plenty about that. But I am going to dive right back in. You know, whether it's a

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concealed carry or open carry, that's not friendly, that's not Nebraska nice. And I go back to my experiences as a grocer and when families who are shopping in our grocery store they see someone coming in with an open carry gun or concealed carry as somebody squats down and you can see his handgun in his back pocket--

ARCH: One minute.

RAYBOULD: --that frightens customers. I don't care if you think it's concealed or open, it frightens families with children. And what do you, what do you think they do? They do the most common sense that any reasonable minded person would do, not knowing if this person is a security person there to protect them or the next serial killer. So what do they do? They leave their groceries in the aisle and they run out to their car. They run out and they tell the store director what's going on and they, they leave. Families are frightened. There's no reason why American children, American families should be frightened. And you know what, I'm going to quote a news article today: These regular, uniquely American tragedies must be a call to action for our political leaders. We need decisive change to U.S. gun laws and regulations. The cost of political inaction on preventing gun violence is increasingly, tragically clear.

ARCH: Time, Senator.

RAYBOULD: Thank you, Mr. President.

ARCH: Senators, the motion before the body, question before the body is, shall the motion to recommit to committee pass? All those in favor vote aye; opposed nay. A roll call vote has been requested. There has been a request to place that house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 28 ayes, 2 nays, to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All members are present. Mr. Clerk, roll call.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese

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voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson not voting. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas [RECORDER MALFUNCTION] no. Senator von Gillern voting no. Senator Walz. Senator Wayne voting no. Senator Wishart not voting. Vote is 5 ayes, 35 nays, Mr. President, on the recommit motion.

ARCH: The motion to recommit to committee fails. I raise the call. We return now to debate on AM666. Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. I'm, I'm glad we have an opportunity to continue the debate and discussion on this. I am intrigued by Senator Cavanaugh's amendment and I think it has merit. And I would like to yield the rest of my time, if I may, to Senator Cavanaugh, so he could review what this amendment would cover and carve out and provide some of the necessary safeguards that, I know our chief of police was looking for some of the public spaces, including Pinnacle Bank Arena, and how it would impact a lot of the tailgating that goes on during Nebraska football games and other public spaces, even libraries. So I'd like to yield the rest of my time to Senator Cavanaugh.

ARCH: Senator John Cavanaugh, 4:10.

J. CAVANAUGH: Thank you, Mr. President. Well, so I appreciate it. Thank you, Senator Raybould. I appreciate the conversation everybody has been having here tonight. And my amendment would address some of those concerns that the city of Lincoln has expressed, in the sense that it would maintain the status quo of what the law is now. And my amendment, basically, just would eliminate the rest of LB77, which I admit, Senator Brewer has worked very hard on, with a lot of interest groups, but I'm just not there on it. And so I'm making a suggestion of an amendment that is a, a step towards allowing more people to get

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a concealed carry and to eliminate the hurdle of cost. So it just eliminates the requirement that you pay a fee or registration fee with the state or a reregistration fee. So it eliminates \$100 initial registration and then the \$50 annual renewal fee, for anyone who gets a concealed carry. So people would still have to take the classes. They still have to register with the state. They still would have to comply with all of those regulations. And it wouldn't do anything about the issues that the city of Omaha and Lincoln have raised as it pertains to, I think, their local ordinances. I just want to be clear, I'm not endorsing those local ordinances in this endeavor. I'm just-- that's-- my bill doesn't address that at all. So that's what it would do. It would probably have a fiscal note of about \$1.8 million, if we adopted my amendment. I do think, like I said before, it's a real compromise between the position of people who want to eliminate some hurdles to concealed carry and people who want to keep things the way they are. And so this is my small step in that direction. And I-- my assumption is that we're on to cloture at the moment. I don't know. Does-- would Senator Brewer want an opportunity to speak before cloture? He's good. So, I think he feels like he's made his case. And, and so with that, Mr. President, I think I've explained it and I hope everybody understands what they're voting on. On AM666, would just-- would strike the entirety of the bill and replace it with an elimination of the registration fee for concealed carry permits. So people would still have to get a permit, they just won't have to pay the state for it. And unfortunately, it does not address the cost associated with classes. That is something, if we did adopt AM666 and move forward with the bill as it-- with-- in that regard, I would be willing to work with some folks to try and figure out how to make classes more accessible and affordable. So with that, Mr. President, I would yield my time. Thank you.

ARCH: Mr. Clerk, you have a motion on the desk.

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

ARCH: Senator Brewer, for what purpose do you rise?

BREWER: Roll call vote, regular order.

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

CLERK: 36 ayes, 2 nays, to place the house under call.

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ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Wishart, please return to the Chamber. The house is under call. All members are now present. Mr. Clerk, roll call vote.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart not voting. Vote is 33 ayes, 10 nays, Mr. President, to invoke cloture.

ARCH: The motion to invoke cloture passes. Members, the next vote is on the adoption of AM666 to LB77. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft

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voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz. Senator Wayne not voting. Senator Wishart not voting. Vote is 10 ayes, 33 nays, Mr. President, on the adoption of the amendment.

ARCH: AM666 fails. Members, the next vote is on the adoption of FA22 to LB77. All those in favor vote aye; all those opposed vote-- a roll call has been requested. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson. Senator Fredrickson not voting. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne voting no. Senator Wishart not voting. Vote is 5 ayes, 35 nays, Mr. President, on the adoption of FA22.

ARCH: FA22 fails. Members, we will now vote on the advancement of LB77 to E&R for engrossing. All those in favor-- there has been a roll call vote requested. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese

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voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz. Senator Wayne not voting. Senator Wishart not voting. Vote is 31 ayes, 10 nays, Mr. President, on advancement of the bill.

ARCH: LB77 advances. Raise the call. Next item, Mr. Clerk.

CLERK: Mr. President, LB376, Senator Ballard. First of all, I have E&R amendments, amendments, Senator.

ARCH: Senator Ballard, you are recognized.

BALLARD: Mr. President, I move the E&R amendments to LB376, to be adopted.

ARCH: This is a debatable motion. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. Always fun to have a cloture vote. Congratulations, Senator Brewer, on your priority bill advancing. I think we're going till nine tonight. So LB376 changes provisions to the Nebraska Liquor Control Act. And I apologize. I am not quite prepared to be debating LB376. I probably should have been doing that during all those votes. But I will do my best. I make sure that I am in the queue. It has been a long day and it is the first of the long days. So now we all have a feel for it, for how a 12-hour day goes. We're almost there. Homestretch, everybody. Feels like this morning was a million years ago. So today is our wonderful colleague, Senator John Fredrickson's birthday, but it is also my nephew, William's [PHONETIC] birthday, and my goddaughter, Callahan's [PHONETIC] birthday. And my goddaughter, Callahan, is my nephew, William's godmother. So happy birthday to

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those godchildren. There are cookies in the back for staff and pages that were delivered to my office, courtesy of former Senator Matt Hansen and Jane and Maive [PHONETIC], their beautiful baby girl. So thank you for those. Yeah. I don't have a lot to say on LB376, because I don't remember LB376. And my computer perpetually, is slow, for me to pull things up, so it's constantly a struggle to-- I didn't have to have anybody come down and reset it this time around. I believe this is the one that I had requested that we divide the question, but I'm not actually sure. I'm looking through the history of it. There was a lot on General Affairs. Yes. This is the one that we divided the question on. Ooh, this was the sticky wicket. Senator John Cavanaugh, this is the one that you did quite the little maneuver. This is the one that we had to do a motion to reconsider the vote. No, it's not? No. Darn it. I got real excited for a second. That was the next one, that we bifurcated the bill or in other words, we divided the question. I didn't-- so the one that I was thinking about was actually somebody else divided the question on that one. This is the one that I divided the question. Now I'm up to speed. This is the one that led to the exhaustive conversation about Omaha fish fries and Girl Scout cookies. Yes, that was-- wow. That was February already. That was-- we, we bifurcated the bill, on February 28, and we moved it on--

ARCH: One minute.

M. CAVANAUGH: --thank you. We moved it forward on, looks like-- placed on Select File, advanced on March 13. And I see we have some pending motions, from Senator Slama, that I'm sure will be coming up soon and amendments. So, looks like we're going to have a fun conversation about fish fries and liquor licenses, yet again. And with that, I am going to wait for my next time in the queue, which is probably next. But I need my opera glasses to see the screen over there. For-- just-- this is for, this is for Senator Fredrickson's birthday, that I'm going to use my opera glasses. I still can't see. It didn't work. Sorry. That was--

ARCH: Time, Senator.

M. CAVANAUGH: --thank you. I shouldn't have done that on the mike, because that's a prop.

ARCH: Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Slama, priority motion, would move to bracket LB376 until June 9.

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ARCH: Senator Slama, you're welcome to open on your motion.

SLAMA: Thank you, Mr. President. I withdraw my motion.

CLERK: Mr. President, the next motion. Senator Slama would move to recommit LB376 to the General Affairs Committee.

ARCH: Senator Slama, you're welcome to open on your motion.

SLAMA: Thank you, Mr. President. I withdraw my motion.

CLERK: Mr. President, next amendment, from Senator Hunt, AM1033.

ARCH: Senator Hunt, you are welcome to open on your amendment.

HUNT: Thank you, Mr. President. Colleagues, this is an amendment to the E&R amendments. If you look at the new copy of the bill, with E&R amendment 13, on page 2, and in one other place in the bill, on page 3. So on page 2, line 7, and page 3, lines 4 and 5, this amendment would strike the part that says, not to exceed \$30. This Section 5 of the amendment says, beginning July 1, 2024, prior to the sale or shipment of any alcoholic liquor into the state of Nebraska, each licensed manufacturer, licensed wholesaler or holder of a shipping license shall submit to the commission, along with any applicable fee set by the commission not to exceed \$30, a report on a form prescribed and furnished by the commission, which shall include: the licensee's name and license number; the designated Nebraska licensed wholesaler for such product, if applicable; the name of the primary source of the supply in the United States; the products to be imported, including the brand name, class or type of product and fanciful name, if applicable; evidence of compliance with federal label requirements pursuant to the Federal Alcohol Administration Act and rules and regulations adopted pursuant to such act, as such act and regulations existed on January 1, 2023, or a sample of the actual label if federal approval is not required; and any other information the commission may require related to such sale or shipment. So that gives a lot of control to the Liquor Control Commission to create regulations, as an agency, as to what any manufacturer or wholesaler or anybody with a shipping license would have to submit to the Liquor Control Commission when they're shipping liquor into the state. What this amendment does is it changes-- it, it strikes the part of the E&R amendment that says that the fee is not to exceed \$30. I think that the fee could be less, honestly, for producers and manufacturers and wholesalers and that's something that would be worth discussing. Several years ago and I don't even know if this is still the case, but several years ago, I

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was in California and I was doing the wine country thing with a couple of my friends and we came to a really nice winery and actually really, really liked what we tried. And I wanted to order a case of it to Nebraska and they told me that Nebraska was actually one of the few states that they couldn't ship to. And I always thought that that was interesting how it seems like the different state regulations that we have impact commerce in such a way that, you know, we could be getting tax revenue, honestly, from somebody like me or somebody like a lot of the people who fund your campaigns, buying a lot of wine from different vendors and manufacturers and wineries around the country or, you know, any other kind of liquor producer or wholesaler. And we weren't able to take advantage of that. If-- I also want to tell all of you, if you aren't taking part in the filibuster, it's OK for you to go home. You're not needed for the rest of the day and nothing's going to happen for the rest of the day. So if you'd like to catch up on Wheel or get some late dinner with the missus, you, you sure can, if you want to get out of here. I also want to talk about another amendment that we've been discussing, that we, we discussed for a while, earlier today and that we've been having conversations about, off the mike, for the last several weeks. And that's a-- an amendment to Senator Kauth's bill that would-- it was introduced by Senator Jacobson, who really threw a wrench into this whole process by introducing this amendment. We wouldn't be in this position if Senator Jacobson hadn't introduced this amendment. I think that he was ostensibly trying to help, quote unquote, but by helping, as often happens in the Nebraska Legislature, he really made things a lot worse, for himself, for the Speaker, for the bill introducer and for all of you now, who have to listen to every other bill on this agenda until the last day of session, be filibustered. The reason is, you know, we had come to an agreement about a way to move on and we have found a resolution on how we could move to other bills on the agenda, in a way that was satisfactory to everybody. And then he introduced this amendment and it changed a lot of people's minds. And so, then it put us in this position. So slowly, many people in the lobby from the medical association, who are, you know, experts in different types of procedures that people can get, people in this body, Senator Cavanaugh, myself, have been talking to members about their questions about Senator Jacobson's amendment. The bottom line, with his amendment, is that anything that would take away the right of a parent to get healthcare for their child is really going to be a nonstarter in this body, no matter what you think the morality of that is. But what we've learned from conversations with many of you is that a lot of you really, literally, don't understand the likelihood of the procedure. I think in your minds you're picturing something really

gruesome, you know, something much worse than what it actually clinically is and how this type of healthcare actually works. It's also a tangent, but poking around, it's very interesting that Nebraska plastic surgery doctors say that breast reduction or breast implants can be done at any age, once a person is developed. And it looks like it's the same deal with rhinoplasty or a nose job. So putting aside all of the complex dynamics of body image and identity and you know, how we feel about ourselves when we look in the mirror, I think medical regret is always possible with any procedure. But as a society, we've decided that it's not the government's role to make these kinds of decisions for families or to bar access for everyone. So the problem with Senator Jacobson's amendment, that's really thrown a wrench into this session-- oh, I see he's in the queue. Good. Some people are very easily provoked. I really think you should just go home. The problem with this amendment is that, in Nebraska, a boy with gynecomastia, which is a lot of breast tissue, you know, more breast tissue for a boy than, maybe, he would want. That boy can get a breast reduction surgery. That boy can go, at age 16 or 17 or 18, whatever would be developmentally appropriate and get a breast reduction. On the same token, if a girl is 16 or 17 or 18 and she wants to get a breast reduction or breast implants, she can also do that in Nebraska. But what his amendment is saying is that if there's a trans or gender expansive kid in Nebraska, the doctor then has to be gender police about, OK, what, what do your genitals look like? What is your gender and what is the reason that you're getting this type of surgery, this breast reduction or breast implant or whatever. And that's unconstitutional. We can't say that things are this way for one set of kids and another way for another set of kids. And also, you really don't understand the reality of how these surgeries happen. In Nebraska, a minor, for purposes of medical procedure when we're talking about that, is 18. So you want someone to be able to go die in a whole entire war, do all the things 18-year-olds can do, go to college, but they can't get breast reduction surgery, something like that. That's the reality of what we're talking about in Nebraska. And that's the type of surgery that's done in Nebraska. And when you think about the disparities that we have between what a boy with too much breast tissue, who wants to reduce the breast tissue that he has, is able to get, what a girl is able to get for the same reason. I had a friend in high school who had a breast reduction and it was like, you know, I feel so bad for her. She really got bullied. You know, and you can imagine how she was bullied. But those procedures were legal--

DORN: One minute.

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HUNT: --in Nebraska. And under Senator Jacobson's amendment, those procedures would still be legal. So how is that fair and right and how is that the role of state government? No matter what you feel about trans people, no matter how confused you are about why somebody would be trans, what would possess them to be this way? You know, whatever you think about the morality of their parents, whatever it is, that's why it's unconstitutional and it's a government overreach, big time, to make any kind of law regulating that kind of thing. Because we're not going to be the gender police in here. Senator Kathleen Kauth wants to be gender police and be going into the bathroom to see, you know, what kind of bits and pieces every child has, but it's not the proper role of government to do that. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. Senator Conrad, you're recognized to speak.

CONRAD: Oh. Good evening, colleagues. And I just wanted to be clear that I rise in support of LB376 and have had an opportunity to quickly ask my friend, Senator Lowe, a little bit about some of the general information on the committee statement, to make sure that, that I had a full understanding of the posture of the bill. And before I jump into things, I, I just want to make, kind of, two general, general comments. One, for those that are new to the Legislature and this is your first late night, take a moment to look around. We're blessed to have the opportunity to work in this stunning Chamber in this stunning building on a daily basis. But there's something particularly special about the lighting and the beauty, with a different lens, in an evening session. And it's something that just always, always has imprinted upon my brain during my 8-plus years of service about just the, the, the kind of stillness in the late night sessions, the beauty in the lighting, the, the change from the hustle and bustle of the rotunda to a more quiet place, where the Legislature turns a bit more inward. And I, I just-- I, I love, I love the, the feel of the late night in the Legislature. And I love, and I love the look of it. And the other thing that I just wanted to, you know, make clear for folks is that this-- you know, typically, we have a-- maybe a handful of late night sessions, as we're trying to provide a little bit more space in the day for those last minute negotiations. Well, of course, nothing is as it was. Nothing is normal this year. And so, as a punitive measure, the Speaker has pushed back and exercised his right in setting the agenda to say, now we're going to haul you in and keep you late and keep you late and keep you late, even though it was his decision to have two full weeks of only check-in days, where no regular business happened, where otherwise we would have been, been advancing technical cleanup measures like LB376, but alas, we are not.

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So, just wanted to be clear about why we are behind in the legislative agenda. It's a multi-- multifaceted equation. And just the other point, I want to send a shout out to my family. I know many of you are missing your family this evening and time away from home and we have a lot of sacrifices to be here. I'm lucky to live very close to the Capitol, so it's easy for me to run and back, but I'm definitely, definitely missing my children tonight and my husband. But I also want to be clear, for anybody who thinks that it's a punishment to have working moms keep working late, I've got news for you. We, we start punching in for the second and third shift, after working a full day and taking care of the household, to do more work, usually after the kids go to bed, usually to catch up on, on home or other obligations. So I'm not tired, at 8:38 tonight. I'm not going to be tired at midnight tonight. I'm not going to be tired at 8, 9, 10:00 and our successive late nights. And this is my happy place. I'm, I'm like most working parents, like most working moms, who, you know, kind of have to catch a second wind at the end of a long day, to get more work done, to extend the schedule for work and family life. So here we go. It's a punitive measure and that's OK. It's up to the Speaker to set that.

DORN: One minute.

CONRAD: And I just wanted to let you know that I, I, I will not be dismayed by that. I will bring my, my full spirit, heart and energy, as I do every day, into this body. Thank you, Mr. President. Additionally, I wanted to touch briefly about some of the issues that have been brought up in debate thus far. But I also wanted to note that there is a \$10,000 fiscal note that brings in some revenue on this measure that I had a chance to look at. And it's probably a good precursor for some of the tax bills that we have up later and some of the budget issues that we'll be taking up later. And I just wanted to draw attention to the fact that the Legislative Research Office an-- consummate source of excellent, credible, helpful information, has a frequently updated, kind of, backgrounder on miscellaneous taxes in Nebraska, which some of the aspects of LB376 would fall within. And I would really encourage colleagues to take a look at that. And see how some--

DORN: Time.

CONRAD: --of these-- thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good evening, again, colleagues. I would echo Senator Conrad's statements about when we're in this Chamber at night. It is a beautiful place during the day. It somehow feels a little bit magical at night. And if you look around, there's not a great deal of lighting in here. And I have had people in the past text me when it's overcast during the day, and I'm standing here reading and I have my light on, they ask me if I'm reading ghost stories, because it just looks so dark in here. And now that it is dark and we don't have any of that natural light, you will come to realize that the little lights on your desk are very valuable and very helpful and provide a great deal of the lighting that we have. As you look around, we just have the ones up in the ceilings, along that side and that side and then, the sconces on the walls. So again, not a great deal of light. And as I look up at the front of the Chamber, I don't see a single light bulb around the presiding desk. So it is-- it feels kind of mysterious and enchanted. It is beautiful. It is the hallowed halls of this building and of this state. And it is a privilege to be in here at any time of day, but on our first late night together, I think it's worth commenting on the significance of this place. I'm going to shift to talking about the fiscal note. As Senator Conrad started to point out, there is an updated fiscal note. The original fiscal note was from January 25. But after we moved the bill from General to Select, we had amended numerous bills into LB376. So there is an updated fiscal note with an increase in revenue of \$10,800. And I'm just going to take us through the fiscal note. LB376 was amended with AM336. This amendment was divided into the following amendments, or, as I like to say, bifurcated. They were adopted, AM611, AM612, AM613, AM614 and AM615. LB376 was amended-- was also amended by AM472 and AM571. Each of these amendments were-- are discussed separately, below. And I haven't had a chance to look through. I was actually curious as to which one of the amendments increased the revenue-- the General Fund revenue. And so I was trying to scan through that to see if, if I could get that answer. And so, I'm going to look through here. So AM611 estimates a utilize-- utilized a \$20 initiation fee for each brand resignation-- registration and a \$10 renewal fee after that. Thirty-five thousand brand registrations are estimated for FY25, when the NLCC anticipates the implementation, implementation. This amendment in the bill, for a total revenue of \$700,000. So that-- this-- AM611 doesn't change anything because that was the original bill and \$700,000 was the original, underlying revenue. So I'll skip down. There's more on that one, but I'll skip down, because that's clearly not what I'm looking for. AM612. LB376, AM612 allows for a holder of a farm winery license to sell beer or other alcoholic liquor not produced by the farm winery

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at retail for consumption on the premises, if the holder is also issued at the appropriate--

DORN: One minute.

M. CAVANAUGH: --thank you-- retail license for those sales, at that location. This amendment incorporates the provisions of LB259. The NLCC estimates-- I'm sorry. I don't know what NLCC-- Ne-- Nebraska Liquor Control Commission. It was spelled out at the top. Again, excellent fiscal note to the Fiscal Office. Very informative. The NLCC estimates that this bill will result in an additional 27 licenses, with an application fee of \$400 per license. This would result in revenue of \$10,800 for FY24. NLCC estimates that all new 27 licenses would renew in FY25, at a rate of \$45 per annual, \$45 per annual revenue. An additional three licenses would be applied at the \$400 rate. This would result in \$2,415 of revenue for FY25.

DORN: Time.

M. CAVANAUGH: Thank you.

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

HUNT: After eight, you're just knocking stuff off your desk. I was having a conversation-- gosh, I don't even remember who it was. Maybe it was Senator John Fredrickson or-- we were talking about how loopy things get here after a certain time and some of the really bad legislation that gets passed at this time of night. There's a couple I can remember, in particular. But back to talking about AM1033. What this amendment does-- it's an amendment to the E&R amendments. And we could have just amended it at a later part in the debate. It doesn't have to be on the E&R part. We could have done it, honestly, after any other motion or any other amendment that was up on the board, but I thought it would be OK to get to, sooner. And what this amendment does is it strikes the \$30 limitation on fees, because we know that the Liquor Control Commission wanted this bill. We know that it was brought on their behalf, to enable them to more accurately and correctly handle alcoholic imports from other states. And I don't know if I agree that the Legislature should arbitrarily limit whatever the appropriate fee is, for them to do that work. Maybe I mean, I would, I would understand if the Liquor Commission said, actually, I think it might be more than that and I would understand if producers wanted it to be less. So I suppose having some questions about that is an OK thing for us to question. And maybe, cutting out the Legislature

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telling the Liquor Control Commission how much they can charge for this kind of license would be a good thing, to let the agency have their own control over what number that should be. Colleagues, each day in this Legislature brings the future of the state into even more clear focus. I-- you know, one of my motivating beliefs and motivating values is that the purpose of life is to bring the future into being. That's one of my mantras, that I-- mantra sounds kind of crunchy. But it's one of the things that I think through my head when I'm trying to recenter and refocus on what it is that matters to me when I'm trying to decide what to do. The purpose of life is to bring the future into being. And you know where I learned that? You know who actually told me that? Senator Paul Schumacher, who formerly represented Columbus, in Senator Moser's district. We were talking one night and I asked him what he thought the meaning of life was, like, one of those really, kind of, corny conversations at a party, at a bar. And he said the purpose of life is to bring the future into being. And I think about that a lot in the, in the context of the work we're doing here in the way the very radical legislation that we're passing in this body that we're introducing, that we're prioritizing-- I mean, introduce whatever you want, but talking about what we're prioritizing and what we're scheduling and what we're taking seriously, what we're not gatekeeping to stay in committee, these are the kinds of bills and priorities that are driving the future out of our state. Why doesn't somebody offer an amendment on something to get rid of the nudity out in the rotunda? If you-- have you ever walked around and looked at the mosaics that are on the floor? There's nudity-- there's child nudity in that artwork on the floor.

DORN: One minute.

HUNT: Thank you, Mr. President. All that filth and having little children sit out there. Is that what you guys want Nebraska to stand for? It doesn't seem like it. You're trying to ban books that have that kind of graphic imagery, as we heard in Senator Albrecht's hearing last week, which was the most filthy and prurient hearing that I've ever heard in my life, anywhere. And I would send up a six-pack to the transcribers for that one. But when we think about what we have to do to bring the future into being, you know, the future is going to happen with or without us, right? It could roll over our state and leave us in the dust, as has often historically happened in Nebraska. Or we can listen to the future. We can listen to the young people who are telling us what's important to them and what matters to them and just try, maybe, for one session--

DORN: Time.

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HUNT: --to prioritize those things. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Of course, I had to get on the light when I started hearing things that are just flatly false. I, I really have to get up and correct the record. And so, let me be really clear. If you go look at the record right now on LB574, my name does not appear anywhere. I did not bring an amendment on LB574. OK. Senator Kauth brought an amendment to her bill, LB574. That's not my amendment. Now, I'll be clear. I spoke with those supporting LB574, two weeks ago and told them that there's a possibility of bringing an amendment, which they were in favor of. And then, last Tuesday, when I brought to them the idea that there could be an amendment move forward, which would basically change the bill, LB574, to where it would eliminate three-- that's how many we did-- were done in Nebraska, three topical surgeries a year. That's what the bill is, if it's amended. Nobody wanted to talk to me then. You know why? Because they figured we didn't have the votes to carry it, to, to place-- to move the bill forward as is. So they wanted to stare us down. And guess what? We had 33 votes for cloture. And then, it was World War III. They still have an opportunity to add that amendment and, and get it passed, a very benign bill, when it's all said and done. But now we've moved the goalposts, as we always do. We talked about some of their outrageous social bills. Last year we had LB933, which was the-- creating abortion restrictions. And it was going to be at conception. There was no carve out for incest, no carve out for rape and there were going to be felony charges for doctors that performed them. So we come back this year with LB626, that has carve outs for rape, carve outs for incest, allows you go to six weeks and no charges-- no, no felony charges at all. Guess what? This is a radical over the top, oh, my God, how could we possibly pass a bill like that. That's how much the goal posts have moved. There is no satisfying a group that sets up the idea that they don't want to respect the values of those of us who live in the rural part of Nebraska, that actually believe in Christianity, who believe that life is sacred. No, they don't, they don't care about our views. It's all about their views and what they want and that we can shut this place down, because they didn't get what they want. It's insulting. They also had last year, LB773, which was Senator Brewer's sixth attempt at passing constitutional carry. Of course, that's another one of those really radical bills. He came back this year, with basically the same bill, LB77, and it's moving through. But we're being accused of bringing some really radical things. Folks, let's focus on the big picture. Let's be adults. Let's

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try to work together and don't talk about being collegial. Let's be collegial. Let's don't be name calling on the floor. There's no reason for that. Let's tell the truth. Let's work collaboratively to get real bills passed. There is so much left.

DORN: One minute.

JACOBSON: Thank you. There's so much left in this session that will help kids, that will help those disadvantaged, that will help help healthcare providers, both rural and urban. There is so much good that we can do. But we're caught up, we're caught up on LB574, that doesn't hardly do anything. But yet, we're going to make it this big watershed moment that's holding everything up. I think the people that are still sitting at home watching this and I feel sorry for you, by the way. That's what's going on here and you need to know that. Thank you, Mr. President.

DORN: Thank you, Senator Jacobson. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. Senator Jacobson, outstanding. That was well said. It was about this time last year, about this dark in here and I took 5 minutes of silence. And I thought about doing that again. Senator Jacobson, I believe, wrapped up and described to the public, those watching, exactly what's been happening here. That's why we had the rule change today. It is very peculiar what we do here and how we move the goalpost, as Senator Jacobson commented. We will work through this. We'll get some bills passed, the right ones. I would encourage Speaker Arch to do the right thing and bring up those bills that we need to pass that are important. And if those of you who have been stalling and have been putting us in a position to get only 30 or 40 bills passed for this year, it would be my recommendation to the Speaker to hold those. Every one of them. We've been held hostage for 51 days. Perhaps after today's vote, we're going to move on. We'll find out. But if Senator Arch is listening in his office, I would encourage him to do whatever he can to prevent any of your bills from ever seeing the light of day. That is a fact. Thank you.

DORN: Thank you, Senator Erdman. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. And good evening, colleagues. I just wanted to make it clear for the record that Senator Erdman's rule change that he put forward, that he couldn't explain and that he broke precedent in order to pass, has not stopped the filibuster and will

not. So thanks again. Appreciate the unexpected gift from Senator Erdman and his supporters, in taking up a full legislative day, which otherwise could have been devoted to any of the substantive measures that are on the agenda today and which are moving, as other bills have been this session, as well, just at a much slower pace. And that's the choice of the body that you've made collectively, that this is the path that you want to go down. So you are complicit. You own that and you need to embrace it. So let's talk about LB376. And, you know, I've been a member of this body for 8-plus years. I came in as a very young senator, which brought a whole different layer of energy and perspective and interpersonal dynamics. And I rejoin now, as a mom and a little bit further along in my professional and personal life. And I will also tell you this. I am not offended by your speech, but the tone policing from male members in this body does not go unnoticed. And again, collegiality is not just something that you say when you get frustrated on the mike, but you live out, when you see it play out in real time. And I have done that. I have co-sponsored measures with senators across the political spectrum. I have offered to not just be a ghost co-sponsor, but to be hard working and encouraging votes within committee to move those bills, rounding up support for those bills, working to amend those bills, working to advance those bills, working to find home for those bills. And I'll always continue to do that, because I take seriously my oath in serving a nonpartisan institution. And so I take it up on a principled basis, by the issue. I don't play retaliatory games like Senator Erdman is encouraging the Speaker to do. But if that's how he wants to engage, I think it's beneath his role as a statesperson in this body. But again, he has the right to engage in debate and service as he see fit-- sees fit and that is his prerogative. I choose a different path. And I choose to note that some of the key measures, in relation to LB376, kind of go into fostering our tourism and our recreational opportunities when we have a carefully regulated system for providing opportunities for local wineries, local breweries and how that can be a really fun part of different community offerings that are available. I've heard a lot of young professionals across Nebraska, in communities large and small, talk about, you know, how fun it is to have a meeting place in their community or to have a spot on the Nebraska passport, kind of lifting at these local small businesses and unique businesses. And so all of this kind of regulatory framework is contained in LB376 or at least touches upon this regulatory framework for these smaller wineries and distilleries and breweries. And it impacts their bottom line, in terms of revenue for our miscellaneous taxes. It does go into our overnight overall kind of economic and recreational kind of

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offerings that we have available in Nebraska. And it helps to ensure that we--

DORN: One minute.

CONRAD: --thank you, Mr. President-- can keep our communities large and small, vibrant and meeting the needs of residents, which goes-- that culture piece goes deeply into the brain-drain challenges that we have before us. So it's about quality of life. It's about ensuring a culture of belonging that's not oppressive towards human rights. That's how you retain and recruit talented young professionals in Nebraska. This is a piece of it and so is the human rights issues that are before the body. And Nebraska can easily foster a culture of belonging with very little fiscal impact, just by not passing hateful bills that grab the national spotlight. Resisting that urge and that effort actually helps to advance our shared goals of addressing the brain drain and ensuring an economy that works for everybody. Thanks, Mr. President.

DORN: Thank you, Senator Conrad. Mr. Clerk, for items next, please.

CLERK: Mr. President, items for the record, Senator Machaela Cavanaugh withdraws and refiles the following amendments: AM157 AM158, AM159, AM160, AM161, and AM393, AM394, AM395, AM396, and AM397, all to LB77. Additionally, Senator Raybould withdraws and refiles AM-- FA24, to LB77. Motion to be printed: Senator Raybould to LB77. Amendments to be printed: Senator Hunt to LB376, Senator Lowe to LB376. New LR from Senator Vargas, thanking Burdette Burkhardt for her service in the United States Navy during the Vietnam War. That will be laid over. Additionally, Mr. President, some name adds: Senator Vargas, name added to LB-- Senator Vargas and Blood, name added to LB276, and Senator Geist to LB447. Finally, Mr. President, a priority motion. Senator Frederickson would move to adjourn the body until Wednesday, March 29, at 9:00 a.m. Those in favor, say aye.

DORN: Colleagues, you've heard the motion. All those in favor say aye; opposed, nay. We are adjourned.