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**Capitol View**

***Commentary by J.L. Schmidt***

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**Legislative Session Ending as it Began, With Loud Controversy**

As the days in the George W. Norris Legislative Chamber dwindle down to a precious few, the Republican Majority continues to trip over each other patting themselves on the back while the Democrats dig their trenches a little deeper and promise to give the home folks one to remember.

There are still 32 Republicans in the officially nonpartisan Legislature, and they are a mostly conservative lot. The Democrats are down to 16 with the recent defection of Omaha Sen. Meghan Hunt who now identifies as an Independent.

Bottom line, the Republicans can pretty much support conservative first-year Governor Jim Pillen as they jointly push a conservative Republican agenda, some of which represents issues popular in other red states. Among those, stricter abortion laws and limits on transgender health care, two issues that have blown up the current session.

Hunt and Omaha Sen. Makaela Cavanaugh have led a filibuster parade that has, at times, brought the Legislature to a near halt. Their fiery rhetoric has won both senators national headlines and applause from like-minded folk but done little to encourage Nebraskans that their Legislature is representative of the vast majority of Nebraska constituents.

The trans health bill, introduced by Sen. Kathleen Kauth of Omaha, would ban hormone treatments, puberty blockers and gender reassignment surgery for anyone 18 and younger. The abortion amendment, offered by Sen. Ben Hansen of Blair, would ban the procedure at 12 weeks of gestation, making exceptions for rape, incest and to save the life of the mother.

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The gender bill has been awaiting final round approval while the abortion measure fell one vote short of first-round approval several weeks ago. Rather than let things go until next session, an attempt was made to combine the issues with scant days remaining.

So it was, with a Capitol Rotunda full of chanting protestors, that lawmakers wrangled more than five hours with the issues. The State Patrol had to remove protestors from the North Balcony of the Legislative Chamber when that crowd started chanting during a cloture vote to cease debate.

Lincoln Sen. George Dungan characterized the issues as classic government overreach. “This is government blatantly stepping into the lives of families. It violates the 14th Amendment which prohibits violation of equal rights.”

Lincoln colleague Sen. Danielle Conrad said the debate is indicative of the toxicity and divisiveness of the world around us. “We are tribal, broken and engaging in partisan politics. It should stop in Nebraska and stop now,” she said.

North Platte Sen. Mike Jacobsen called it “theater.” Sen. Carol Blood of Omaha said in her seven years in the Legislature she has “never seen a clown show” such as this. Sen. Lynn Walz of Fremont labeled it “disheartening divisiveness.”

Sen. John Cavanaugh of Omaha objected to the germaneness of tying the two issues together. Lt. Governor Joe Kelley, presiding officer of the Legislature, ruled that Hansen’s abortion amendment was germane to the gender care bill.

Cavanaugh objected and said the only way Kelley’s ruling made sense was politically because it’s obvious that the Republican governor wants both bills and the Republican majority wants to give them to him. Cavanaugh’s challenge to the germaneness failed on a 14-34 vote.

Bottom line, Cavanaugh’s objections will clearly wind up before the courts. Dungan noted that the gender measure was almost identical to one in Arkansas, which was ruled unconstitutional. That ruling was upheld by the Eighth Circuit Court of Appeals, the same court which would ultimately hear a Nebraska case.

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In more than 40 years of watching Nebraska government and covering the Legislature, I have never seen a more blatant bending of the rules, a trampling of the germaneness question and all- around bullying by one party’s gang of senators than I just observed.

Sadly, this isn’t over, by a long shot.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years*.