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**Capitol View**

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

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**Hopes for a “Normal” Legislative Session Have Diminished**

Comments from two state senators from Omaha have pretty much diminished hopes for a “normal” session of the Nebraska Legislature this year.

“I think it will be a difficult session again. I’m not backing down,” said Sen. Kathleen Kauth as she gave priority designation to the Sports and Spaces Act that would bar biological males from participating in K-12 sports designed for females and would block trans students from using a bathroom designated for other than their gender at birth.

“I will do whatever I have to do to protect the children of Nebraska,” Sen. Machaela Cavanaugh said as she introduced a bill to repeal the controversial law sponsored by Kauth last session that blocks minors from obtaining certain gender-affirming care and restricts access to an abortion after 12 weeks gestation.

Granted, there’s no guarantee that either measure will make it out of committee to floor debate which could prompt another lengthy round of filibustering from Cavanaugh as she did last session in bringing things to a halt in the nation’s only one-house legislature. A last- minute rush to adopt other bills then was mixed with protestor demonstrations that overflowed into the balconies of the George W. Norris Legislative Chamber and resulted in arrests.

Kauth, an appointee of former Gov. Pete Ricketts, remained stoic, unsmiling, and steely eyed as she and other lawmakers watched Cavanaugh do everything she could to confuse and frustrate her colleagues as the session unraveled.

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As I have noted before, this is an issue straight from the national Republican Party Agenda. Kauth said it’s essential that Nebraska have a law in place on sports participation and bathroom use to push back on a Biden administration proposal that would block school districts from preventing transgender students from participating in sports that align with the gender identity.

She called proposed changes in Title IX to remove federal funds from school districts that don’t conform “extortion at the federal level to change the culture. Nebraskans should decide what they want to do with this issue.”

Cavanaugh said that existing, “stringent” regulations adopted by the Nebraska School Activities Association in 2016 are sufficient and she sees no reason for the Legislature to act. An NSAA spokeswoman told the Lincoln Journal Star that one application to play sports by a trans student was approved for the 2023-24 school year. That would be on top of a handful of approvals over the past eight years.

I agree with the several senators who have said they don’t want a repeat of the 2023 session with its personal attacks and a Capitol Rotunda filled with angry, chanting protesters. I believe I called it the worst session I can remember in more than 40 years of observing and reporting.

Speaker of the Legislature, Sen. John Arch of Omaha, has said he’s hoping to avoid “full-out obstruction” this year and wants a return to a more normal progression of floor debate.

Some senators who voted for the gender care/abortion measure last session told the Nebraska Examiner they want to avoid another all-out battle and let the issues be debated and resolved at the local level by local school districts.

I agree. But Kauth, who is running for election this year, wants to push the party line in the officially nonpartisan Legislature. In my humble opinion, she needs to decide if she’s a Republican state senator or a Nebraska state senator.

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Cavanaugh says the goal of her repeal bill is simply to allow families impacted by the law passed a year ago to testify at a public hearing. “I think it’s extremely important that they have an opportunity to speak to their elected officials and express how it’s affecting them.”

Let’s hope that’s all it is. The Nebraska Legislature can’t afford to take another beating like it did last year.

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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*.