

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eleventh day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Father Ryan Lewis, Saint Elizabeth Ann Church in Omaha, in Senator Armendariz' district. Please rise.

FATHER LEWIS: Thank you. Loving and merciful God, this esteemed legislative body convenes this morning on this wintry Nebraska day, which is itself your gift to us. We convene for the important work of governance of this, our great state. Please bless our state, which we love. Assist in its growth and prosperity, growth not just in size, but in its citizens willingness and capacity to affect change for the good of all. Prosperity, not just in financial solvency through fiscal prudence, but as Pope Francis would call us to, in its resolve to reach out to the poor, the marginalized, the suffering. May our efforts-- may the efforts of this Legislature lead us not only to right order, but also to strengthen our state and its citizens in their desire for collective compassion, humility, gratitude for blessings received, and in our desire to be a state that is welcoming, girded with strong morals, and dedicated to the dignity and worth of every human life. Bless our chief executive, Governor Jim Pillen, as he offers remarks this morning on the state of our state. Bless Suzanne and their children and grandchildren. Bless these, our citizen legislators. May they legislate and give counsel, aided always by your prudence, wisdom, compassion, understanding, justice, mercy, love. May they serve well those whom they represent and the state as a whole. Bless their families. Help them this day and throughout their public service to work always for the common good, your common good. May everything they do begin with your inspiration, continue through your divine assistance and reach completion to your greater honor and glory. May it be so. Amen.

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

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

KELLY: Thank you. I call to order the eleventh day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning.

KELLY: Are there any messages, reports or announcements?

CLERK: I have neither messages nor reports nor announcements, Mr. President.

KELLY: Thank you, Mr. Clerk. Please proceed to the first item on the agenda. Senator Fredrickson, you are recognized for a motion.

FREDRICKSON: Thank you, Mr. President. I move that a committee of five be appointed to escort the Governor of the state of Nebraska to the Legislative Chamber to deliver his State of the State address.

KELLY: That is a debatable motion. Senator Fredrickson, you're recognized to open.

FREDRICKSON: Thank you, Mr. President. I would like to yield my time to Senator Wayne.

KELLY: Senator Wayne, you have 9 minutes, 58 seconds.

WAYNE: OK, I'll tell you how to do it. Thank you, Mr. President. Colleagues, this is a debatable motion. I, I told you we would take some time up, and we're going to talk about some things. And the two things I want to talk about, the most important thing I'm gonna talk about today, which is most pressing, is the airport business park. And I'm gonna talk to you about a little bit of the problems that I have, and I'm going to give you a high level of it. And we'll be here for a while, because I'm going to talk about why this is such a once-in-a-lifetime opportunity that we may miss. Now, I know many people are just talking on the floor and not really engaged, and that's OK because it's going to be a long day of, of conversation. So first, I would like to ask Senator Holdcroft a question.

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

HOLDCROFT: Yes, I will.

WAYNE: Senator Holdcroft, I have 2 simple questions for you out of-- and, and I told you ahead of time I'm not trying to play gotcha with

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anybody on the mic. Is a, a public power-- is, is power district putting transmission lines through your district?

HOLDCROFT: Yes. They're running a transmission line from the south, from the Cass County substation up to the new Turtle Creek substation.

WAYNE: And they would be required, I guess 3 questions, they would be required to take some people's land or have some kind of easements on that land. Correct?

HOLDCROFT: Well, there'll be some easements for the plant. But they-- they've tried to-- they have held several meetings, 4 community meetings, 2 leadership meetings. And if you look at the route, it's right along parcel lines. They've made a real effort not to go across, you know, from point A to point B.

WAYNE: And I want to make a point there. You said they held community meetings?

HOLDCROFT: Yes. There-- 4, 4 community meetings.

WAYNE: Four community meetings. Thank you. Will Senator Brewer yield to a question?

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

BREWER: Yes.

WAYNE: Senator Brewer, I remember all my years down here, you had a big fight with this thing called the R line. Do you recall that?

BREWER: Yes. Very clearly.

WAYNE: So the R line, were there community meetings and did they allow people to give input?

BREWER: Yes. There were extensive meetings over about a 3-year period.

WAYNE: Over about a 3-year period. Thank you, Senator Brewer. Colleagues, that's the first point I'm going to bring up about the airport park. We are going to spend \$90 million in an area that I tremendously want to invest in. But my biggest problem with this grant and this grant application was there was no community engagement and no community input. What you just heard from, is 2 senators out-- one in Sarpy County and one in western Nebraska, that before the state or

a political subdivision or any investment that even might require taking some land or even an easement, there are community meetings and there are community engagement. But not for East Omaha. We don't seem to be that important, nor do we seem to have our voices valued not just by this body, but this administration. That is just a clear example of no community input, no community engagement. And if you don't believe me, I can put you in contact with multiple people in east Omaha who they first learned about this opportunity to invest in their neighborhoods via social media and Facebook and word of mouth. And the word of mouth, believe it or not, came from the city of Omaha. When they started talking about an inland port and it started getting a little buzz, they actually heard about it. So again, we are going to do something to this community without this community's input at all. When you look at the articles on the Examiner and other media outlets, they've all but confirmed they have not had any community input. So while today, that might be a highlight from the administration, I will tell you from the community's standpoint, it is a-- another arrow being shot in their eye about how they are disrespecting this community. But not just that. I have a simple question that I want to ask this body. Do you think government should lie? Do you believe that government should lie to the people that they represent? That is the question that I have. If you think government shouldn't lie, I'm going to walk you through the application process and the application today that DED put out, in which they lied to this community and they lied to potential applicants on what they believed should happen. So first, we passed this. There was a lot of debate. We passed out a lot of information to this body and to the Urban Affairs community [SIC] over and over and over. And one of the things that we passed out was a site plan and a plan for this area that had about 6 phases. And in Urban Affairs and on this floor, we talked about how it was going to be phased approach to make sure we keep the money in the community and we make this sustainable. That phased approach is completely gone now. It's a \$90 million ask and we're going to have no jobs, and I'll get to that in a little bit. But again, I'm going to ask this body, do you think that our government should lie to people? In the application-- well, let's get to before we got to the application, there was conversations with DED about having a planning grant. Senator McKinney and I wondered why would you need a planning grant when we've already paid \$75,000 for a site study and a development study that was the basis of the \$60 million at the time. And it laid out everything. So why not take that plan, put it in the RFP, and let's recruit the best businesses, the best venture capitalists, the best investment firms, and, and see if they'll go after that. They decided not to do that

because the Chamber, at the time, we wanted a planning grant to double down on what they were already planning on doing. Now, what's interesting about the Chamber is, you heard in the press conference if you watched it, they've been looking at this site for over 20 years. That's over half of my lifetime and haven't done anything with that site. But now, they're going to get \$10 million to recruit businesses, according to their plan. The Chamber, whose purpose is to recruit businesses, is getting an extra \$10 million to recruit businesses. That's a, a high fee. And if you can ask any developer around here to recruit businesses for \$10 million, which is, again, a \$90 million grant, we're talking about 10%. That's a high developer fee at the expense of our community. But we'll go back to this initial grant. So we felt that there wasn't even a need for a, a, a, a planning grant. Let's throw it out there and let people come up with the best, best plan. Nevertheless, on October 22, they came out with a planning grant. DED said, in this planning grant, they want a master plan, a subcontractor plan, an ownership plan, a pro forma, and a partnerships of-- with MOUs. I could live with that. If they could deliver all of those things, maybe this planning grant might be OK. To a cost of \$400,000 to the state, that planning grant yielded no jobs and no substanc-- substantially different idea than that was presented to this floor. So I'm not sure what we got for the \$400,000, but here's what I mean by lying to the people. In that planning grant, it says no proposal will be accepted if it displaces people. Think about that. No proposal will be accepted if it displaces people. That is called a guidance document. And underneath our laws, that guidance document is binding on the agency if they don't publicly retract it. And if you don't believe me, that's 84-901.03, talks about guiding documents and when it's binding; 901 gives the definition. But instead of publicly saying we're going to retract that, they actually double down. They doubled down in February with a clarification, saying we will not accept any proposal--

KELLY: One minute.

WAYNE: --that includes displacing people. By the way, the grant was due at the end of October. We didn't get the grant until November-- end of November, so they didn't even follow through on the contract for \$400,000. But we'll give them another 9-- \$86 million to do this. So the DED accepts a proposal that displaces people, against the law. So DED sends out a thing, saying we're not going to do this. The neighborhood believes that we have nothing to worry about my home, because this grant doesn't apply. They switch it and accept a proposal

that requires buying out all the land, against the law. To make matters worse, in December, DED puts out another guidance document.

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

WAYNE: That guidance-- thank you, Mr. President. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne and Fredrickson. Senator Wayne, you're next in the queue.

WAYNE: Thank you, Mr. President. So then in December 18th, we put out a new guidance document for a new grant. Lord behold, ineligible funding. Proposals for this project with sites that are not vacant at the time of the application will not be considered. That is word for word. But do you know what's being considered? People's houses right now. Businesses being uprooted, with no community engagement. We're talking about easements in Sarpy County, and there has been 4 community meetings. We're talking about uprooting people from their home for jobs, not saying it's bad, with no community engagement. The disrespect to District 11 and 13 is unbearable. Because nowhere would this happen in any other district. There will never be a project of this magnitude without community input in your district, but it's acceptable in mine. So we're going to spend a long time today, talking. It's 9:51. Colleagues, this is 3 times, 5 minutes is-- I got 10 more minutes. I have 22 amendments. You can call the question on each amendment. That means I have 10 minutes in each opening, call the question. That is 4 hours-- 3-- a little over 3 hours with the 20, but my staff is on standby, ready to write more amendments. We could be here all day. Now, there are a lot of colleagues in this body who have said, let's not go all day. And I somewhat agree, only because it's not this body who is doing this. So this body should not be punished for actions of other people. So I don't know where I'm going to go today. I see some other people in the queue. But here is the frustration and the concern. We have one chance to get this right. We, as a body, have worked on this specific area for over 5 years. We have one chance to get this right because just last year, \$15 million was vetoed because, according to the Governor, we've already gave so much money to east Omaha. In the next 4 years, Senator McKinney comes down here and says, we need \$20 more million, we need \$5 million. People are going to point back to this investment and say, we've already given X number of dollars. What have you done? See, that doesn't happen with property tax relief. We can give a billion and the next year we're going to ask for another billion. That doesn't happen for

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many of the other programs here, where we give \$300 million to education, but we'll give another \$20 million for school safety. It only happens in poor and black and brown communities where you get one shot. And we haven't even engaged the public. We haven't even engaged the community. But we're going to literally build a business park inside of a community, where they're still going to be residents afterwards on the outside and have not talked to them. At \$90 million, this Legislature put together, and I believe it was a 40-7-1 vote, and the one person didn't vote for it because I couldn't figure out how to get broadband--

KELLY: One minute.

WAYNE: --down their street. That's a joke for Senator Bostelman. But at the end of the day, we got one shot. We have multiple projects going down. We have a company right now who is trying to come into this area, not specifically the airport park, that can bring 100 jobs here at a minimum of \$50,000-\$60,000 a year. And now they're about to go to Kansas City, because of delays in the bureaucracy of the government. This Legislature has worked too hard to support this effort for it to go down the wrong path. And for the developer fee to be \$10 million to the Chamber and \$9 million to OEDC and Burlington Capital is wrong.

KELLY: That's your time, Senator.

WAYNE: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Thank you, Senator Wayne, for this conversation this morning. I have a lot of thoughts this morning. And I started sort of jotting them down, and I'm not entirely sure how to prioritize them. What Senator Wayne has been talking about today and yesterday is really squarely about transparency and government oversight. And when we, as the Legislature, passed legislation, we are still a partner in that legislation because we are the architects of it. And so if there are meetings happening to discuss the implementation, it makes sense to include those that were the architects of the legislation in that. I have grave concerns about our current Governor and his administration. We are seeing an extreme devotion to eroding government transparency under Governor Pillen. Governor Pillen took an opinion and implemented

it over law. We should have sued the Governor. Flatwater Free Press, back in, let's see, when was this, August of this year, published an article about records requests that they had made to the Governor. And the Governor's Office came back with very little response, mostly citing executive privilege, which former Governors have publicly stated in response is not a thing, is not a thing, and then went on to lie about what was responsive to the records requests. How do I know that they lied? Because I have a text message from the Governor on March 15 of 2023. And they told Flatwater Free Press that the Governor had no text messages for the first 5 months of the year. Now, I'm assuming that I'm not the only person that Governor Pillen has texted. I'm going to read it to you because it's very salacious. Let me just tell you, everybody, this is like, this is really going to knock your socks off. At 8:28 a.m., I texted Governor Pillen and I said, can we meet at 9:15? I'd like to attend morning check-in. Would also-- would also you be OK with Justin Wayne and Danielle Conrad joining us? I believe they bring a broader perspective to the conversation than just me. His response: I have to be on the road at 9:35. Of course, fine for Justin and Danielle to join. We could do it at 9 if that would help. Unresponsive. This salacious text message. I don't think this is executive privilege. I don't think this is controversial, but he had no text messages that were responsive to the request of Flatwater Free Press, and that is a lie. And I am happy to share this with anyone. I know it is a very controversial text message about setting up a morning meeting before morning check-in, but there you have it. If he text messaged me, he probably text messaged other people. I requested last year, and on the day of the State of the State, actually, with the full administration up there, I got a invoice from DHHS for \$67,000, for a request I made that is 100%--

KELLY: One minute.

M. CAVANAUGH: --under the purview of me as a member of this body, as a member of HHS, providing oversight over the RFP process for our managed care contracts. And after a year of back and forth, I finally got them to give me the records without cost, and they said that every single email attachment was privileged. Some of these email attachments were like an attachment of the, the previous email. All of them blacked out. All of them privileged. We are eroding our democracy with this administration. And it is something that should be seriously scary for everyone in this state. This is unacceptable. And I have much more to say about this, but I think I am about out of time so I will get back in the queue. Thank you, Senator Wayne, for this conversation.

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

McKINNEY: Thank you, Mr. President. And I'm getting on the mic to just speak about my experience since we were out of session and over the interim. And the number one thing that I could point out is a total lack of communication. Initially, after the summer, there was some communication, but after a while that communication went away. It was disregarded. And it was like DED and the Governor's Office didn't care. And I'm going to point out a few things. First, last year when we were trying to pass LB531, we tried to set aside some money for project management. The Governor's Office said we didn't need it because DED could take care of it. We were like, ahh, really don't know, but OK. We still going to get the bill passed. Then we get into the summer, poor lack of organizing and poor project management. No preparation for individuals that were going to apply. The first initial meeting about applying was a waste of time. And everybody I talked to that was at that meeting felt like it was a waste of time and could have just been sent in an email. They sent out the notice for that meeting 3 days prior, actually, like on a Thursday or Friday, and gave individuals a weekend to figure out how to get there. Then they started to have online Facebook conversations, and they would only put out a day or a day and a half notice of those conversations, until we said something like, why aren't you giving people a heads up? A lot of people that are applying work, have jobs, own businesses. They can't just stop their days just because you put out a notice a day prior, no matter if they're seeking a grant or not. So I just view it as a total dropping of the ball. Then, when you get to the north-south Omaha grant program, we met with them and told them you should not have minimum economic scores because it won't make sense and it excludes people. Because if you read the law, it says anybody that applied through the LB1024 process is eligible to apply again, but that program excluded a 100-plus people from applying because they had minimum economic scores, and they forced people to ask the city of Omaha for letters of support. What if I don't have a good relationship with the city of Omaha? How am I going to get that support? How am I going to get-- how am I going to be able to apply? It's questions we asked, but they still went ahead and did it anyway. No updates until we pulled them into a, a hearing, I think, in October or November, to answer questions. After that, really no communication, just emails, emails here and there saying a bunch of nothing, just saying we're working, we're going to get back to you, but nothing of, of substance, honestly. And I've just been sitting and just thinking about this. And

I just feel like after session ended, whoever, either in the Governor's Office or people outside the Governor's Office in the community or wherever, looked at how much money was going to north and south Omaha that could change those communities for the good, for the future, and said, no, we can't have this. If we, if we let this happen, we lose, I guess, some power. We lose some influence. We can't give out fake awards every year saying we're changing things, but the reality on the ground it's not happening. And that's mostly people and foundations, nonprofits and rich people--

KELLY: One minute.

McKINNEY: --who are poverty pimps. Then you got people that look like myself, that go along to get along just because they get positions and things like that. I haven't stood up and said a lie at all. I just told the truth and spoke up for my community. And now the "Department of Exclusion and Dropping the Ball" is doing what they've always done: not cared about my community. So I hope you all didn't put me on that escort committee, because if they couldn't meet with me, I can't escort the Governor. Thank you.

KELLY: Thank you, Senator McKinney. Senator Vargas, you recognized to speak.

VARGAS: Thank you very much. I will be brief, and then I'll be yielding time to Senator Wayne, if she-- if he would like it. I wanted to rise in, in support of the conversation, largely because being a member of the Economic Recovery Special Committee, we had these hearings discussing exclusion of certain applicants. And it was a concern to the committee as a whole that there was an additional process and programmatic guidelines that excluded individuals from being able to apply when we wrote in the actual grant language in LB531 and the appropriations process, that all the individuals listed the appendices should be able to qualify. And I think that's true. I think it's for the record, it's important to note that, what, what both the senators' saying, that we should be corroborating these things. Because if people were excluded from applying from grants, not even giving a fair shot to be able to compete for them, the question isn't whether or not they were chosen, at least for me, the question is whether or not people were allowed to even apply and be competitive for these grants. I also think that it's an important point on community input does matter. When we're talking about rural projects, community input from that area from as many stakeholders as possible is incredibly important. And so when we're allocating these funds, we

should be listening directly to senators like Senator McKinney and Senator Wayne from north Omaha on whether or not this process is needed. And we were very iterative, as Senator Wayne mentioned. The plan that they put forward was very, very tailored to making sure that the dollars being used over time rather than one lump sum, which we're currently seeing from the north Omaha airport project. So I wanted to make sure this was clear, because we heard this in the committee. The Economic Recovery Special Committee had these questions. They were a concern when they were first brought to us, and I wanted to make sure to support that, that claim, as well. So I will yield the remainder of my time to Senator Wayne, if he would like it.

KELLY: Senator Wayne, you have 2 minutes and 55 seconds.

WAYNE: Thank you, Mr. President. Thank you, Senator Vargas. So I was wrong about the \$19 million. It's 21.1%. Somebody calculated that and texted it to me. And here's what I want everybody to know. \$90 million gets you a nice lot. That's what it says. And that's what DED put out as far as the grant, is that all you have to do is get these lots shovel-ready. In what world would I have thought to spend \$90 million to get more vacant lots in north Omaha? And 9-- and 21% of that going to a developer fee. We don't know. And if you-- and I'll send you guys the master plan. I sent some of you already, and I'll send you the previous plan. And you tell me if \$75,000 and \$40,000-- \$400,000 if we got our money's worth. But the other thing about this thing is, you'll recall, and I can't say too much, that the city of Omaha, there was a story about the city of Omaha buying one of the sites in order to help move this along. That still hasn't been bought. But in their master plan, they say due to the city of Omaha's due diligence, not their own, but due to the City of Omaha's due diligence, this area might require more dollars to be invested in. It was the city of Omaha who spent the money to follow up on that, not the \$400,000 the state spent. So we didn't even do proper testing for the \$400,000, but yet, we're going to entrust--

KELLY: One minute.

WAYNE: --these-- this partnership to spend \$86 million to produce shovel-ready lots. And these are the facts. And I'm pretty sure these will be tied up in some lawsuits because what I just laid out was the agency didn't follow their own rules. But more importantly, those rules are binding on the agency unless they take them away, and they haven't. But I want to talk just a little bit more, I only have one minute, about this body and why I appreciate it. They took a chance.

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Senator Lowe said that was the best hearing he ever saw two years ago. And you know, Senator Lowe has not voted for one of my bills in 7 years, so to get that compliment was kind of amazing, because we came together in north Omaha and wanted jobs and economic development, and instead we're getting shovel-ready land. May be good for football, may be good for some soccer--

KELLY: That's your time, Senator.

WAYNE: --but not jobs. Thank you, Mr. President.

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

RAYBOULD: Good morning, colleagues. Good morning, fellow Nebraskans, tuning in to, to watch our deliberations today. I just want to address the issues that have been raised by Senator Wayne, Senator McKinney and Senator Cavanaugh briefly, and then yield the rest of my time to Senator Wayne. Just to share briefly with you on grants. I was involved in the board of trustees for the Community Health Endowment Board of Trustees, and I had a unique position of reviewing many grant applications for funding on projects that specifically dealt with health initiatives and health improvements throughout communities in the city of Lincoln and Lancaster County. And when we looked at grants and grant funding, we were ecstatic when this grant that was presented to us showed collaboration, showed partnerships, especially stakeholders from the community, but every level of government, wherever and whenever that was appropriate to demonstrate that you had partnership and buy-in from the stakeholders, that it would directly impact and the government agencies that were willing to partner with you to make sure that your project could be either-- the project funding that you received could be leveraged to other agencies and other organizations that were going to buy into the success of this project that impacted the community or agency that you were seeking that. And so that's why I really commend Senator Wayne and Senator McKinney talking about the projects that they know about the community that they know so well. Senator Cavanaugh talked about transparency. That is so fundamental to government. As a commissioner and also city council member that was essential, but most importantly to our legislative body, it being so unique. And I always fall back to what Governor and Senator Norris was able to create, working with the Legislature. A common question raised during consideration of the Unicameral was how to preserve the scrutiny that occurs between houses of bicameral and helps prevent abuses of power. Norris argued that

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legislation would be held in check by the State Supreme Court and the Governor's veto power. More importantly, he said, the people's right to vote and petition would counteract the possible abuse of power by their elected officials. The Nebraska Unicameral would have straightforward procedures and extend greater privileges to the press to allow for enhanced public scrutiny. He said every act of the Legislature and every act of each individual must be transacted in the spotlight of publicity, and that is why it's important that we have this dialogue and discussion. And I would like to ask Senator Wayne if you would like the, the rest of my time.

KELLY: Senator Wayne, that's 1 minute and 35 seconds. And he waives. Thank you, Senator Raybould. Senator Linehan, you're recognized to speak.

LINEHAN: Thank you, Mr. President. Good morning, colleagues. I actually agree with much of what Senator Wayne, Senator McKinney have said. I was not as involved this summer, maybe, as I should have been when this was all unfolding, because I was doing something else. So I, I think this is a very important conversation and one we need to have. And whether it seems obvious to some of us or not, especially to newer members, they are defending the Legislature here, and that is a very critical job that falls on all of us. But I also have great respect for the people in the balconies that have-- here today to hear our State of the State speech from the Governor. And in respect for them and others who may be watching this, I would like to make a point of order, which I have never done before, so hopefully I do this right: Point of order that this motion is not debatable, nor is it amendable.

KELLY: Thank you for the point of order, Senator Linehan. From the Chair, I find that your point of order is well taken, and that this motion is not debatable. There's a motion to overrule the Chair by Senator Wayne. Senator Wayne, you're recognized to open on your motion. A reminder, all members may speak once.

WAYNE: Thank you, Mr. President. And thank you, Senator Linehan. It is kind of poetic justice that we're in a rules debate right now and she brings up a point of order. Now, I will go back and say that this motion is debatable and amendable since the beginning of time. And in fact, I did this 2 years ago with Senator-- or 4 years ago with Senator-- Governor Ricketts then, and talked for 15 minutes while I was over there. So I have a history of that. But if-- it's just funny to me because I've told everybody rules don't need to be suspended. Rules don't need to be changed. It takes 25 votes, and this is a prime

example of how it works. Anything on this floor, you can make a point of order and say that is out of line, Chair. And the Chair can say it's in line or it's not, or, or I think this is nondebatable. The Chair can say it's incorrect or not. And every time a Chair says that, you can raise your hand and say I move to overrule the Chair, no matter what the rule says. That's why our rules are what they are. You think you have to have 30? No. Just get 25 votes on the floor and overrule the Chair. So I still-- we'll see-- I mean, I can see the writing on the wall that there's 25 people who don't want to do this. And I think Senator Linehan's point of the people in the balcony and having respect for them is correct. I also think it's not this body's fault for actually trying to have a conversation, and pushed the administration forward. It's probably-- it's the administration fault. But this is debatable and this is amendable, and history shows so. So we can take a vote and present not voting doesn't mean that you're voting for me or against the Chair. I'm the one who has to produce 25. And on a good day, I'll get 12 on this vote, maybe 13, for a couple people who are symptomatic [SIC]. Hansen might just give me 1 vote. So this is the smartest thing that's been done all day. We're following the rules and we're making some things happen. But this is debatable and this is amendable. And so I would ask for a green vote on overruling the Chair.

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

M. CAVANAUGH: Thank you, Mr. President. I appreciate Senator Linehan's words and her desire to honor the people that are here. I very much think that she's a, a-- quite the stateswoman and has the best intentions and integrity of this institution at heart, and I thank her for that. I do oppose ending the debate on this, because I do think that it is debatable and amendable. And I think that if we don't allow ourselves the flexibility to debate what we ourselves are doing, then we, again, like Senator Wayne said, discussing the rules we are just restricting our own voices. So, while I respect Senator Linehan's intention here, I am going to politely stand in opposition to that. And as this might, depending on how the vote goes, be my last time to speak before the Governor comes in and speaks, I want to talk about some of the other issues that I have concerns about, specifically around government oversight. So I, I talked about responsiveness to records requests. And I have come to realize that this administration is purposefully, intentionally skirting our ability to provide transparency, not just with the OIG, not just with denying records requests, but also with how they are conducting their day-to-day

business. And I do believe that this Legislature may need to take action and change our statute around what is acceptable in records requests, because now, things are being handled in our departments in draft form, because if something is in draft form and we request it, they don't have to give it to us. So as long as everything remains in draft form, we can never get access to those records. Additionally, the issues that Senator Wayne and Senator McKinney have been talking about, this is because we are taking our taxpayer dollars and we are giving them over to the hands of private citizens who are not subject to our open records requests and who are not subject to our open meetings laws. We need to fix this. These are taxpayer dollars and they are honestly being wasted because they are being put in the hands of people who are taking a massive cut off the top, whether it is a private corporation or even the nonprofit organizations that we are contracting with. They are taking an administrative cut off of the top before they do anything. But we can't afford \$300,000 to feed children this summer. Because we want them to be seen in person, even though they're not going to be seen in person, they're just going to be hungry. What are we doing in this state? We are actively harming children with our obstinance. Your philosophical debate over EBT or SNAP or any of the programs that provide services and financial support to children are irrelevant. You are hurting children. Full stop. Period. And taking TANF dollars that could go into the hands of families to pay their electric bills, to pay their water bills, to have clean water, to have heat during these epic cold months, but instead, you're giving them to the United Way and the Nebraska Children (and) Family Foundation so that they can take a cut, cut off the top. Millions and millions of dollars are going to nonprofit organizations who take a cut off of the top, and then that money trickles down eventually, sometime, maybe, into a program that these families can go to that still doesn't feed their kids or keep the heat on. And these are the poorest of the poor people in Nebraska. And we are putting that money into the pocket of nonprofit administrators, instead of in the pocket of the families that need it the most. Because we can't trust poor people. We can't trust people of color. We can't trust them to manage their own families, to take care of their children. We penalize them. We systematize poverty. We make it a full-time job, and then we do it under the guise of, well, we need to have eyes on those kids in the summertime. And if we do this, then they'll get fed, but we won't see them. Heavens to Betsy. We're not going to see them anyway, so let's feed them. Let's feed these kids.

KELLY: That's your time, Senator.

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M. CAVANAUGH: Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. And I'll continue on. So after we finished session last year, the Governor's Office and the "Department of Punitive Services" decided on the location of the prison that you guys decided to build, even though it's going to be overcrowded day one and they still want to keep NSP open. There was outrage in Lincoln. We can't have a prison in our community. And then you know what happened? They found a new location. But when there was out-- when there's outrage in our community about this program that the "Department of Exclusion and Dropping the Ball" put out, no adjustments, no response to the community. We're just going to do what we want to do, because we can, which is very sad. And that's why Senator Wayne stood up. That's why I'm standing up, because of the disrespect to our community. It's been disrespect my whole lifetime. And I thought possibly, just maybe, possibly, when this Legislature dedicated those resources to economically develop and help north and south Omaha, that maybe, possibly, there are some hope in this state. But over this past interim, all that hope left. There is no hope. They don't care. They'd rather see communities like north and south Omaha stay impoverished, which is not good for anybody-- not myself, not you or the state. As long as we keep these communities economically impoverished or have poor educational outcomes, our prisons probably might stay overcrowded. We'll have a lot of homelessness, but people want to arrest people that are homeless. It's, it's just a sad state of affairs for the state of Nebraska, and, and that's just true. And then, we got issues with the "Department of Punitive Services" not allowing the Ombudsman's in, when they were not included in the AG's report. But one thing I'm not sure the people of this body is aware of, in Article IV of our constitution, Section 19: State Institutions; management, control and government; determination by the Legislature. The general management, control and gov-- the general management, control and government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature. We are literally giving up our control by not forcing the "Department of Punitive Services" to allow the Ombudsman back inside. It is against the constitution. And people stand up and say they love this state and they love the constitution and they swear by it, but we're violating it by not forcing them to allow the Ombudsmans in. And that is a problem. And it shows a lot of hypocrisy in this place, if I'm being honest. The "Department Exclusion and Dropping the Ball"

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does not care about commun-- my community. And you know how I know this? Because when we initially started the economic recovery plan and talking to them, they said, oh, we-- we've never considered economic development in north Omaha. We've never thought about it. Which is clear today. They don't care about economic development in Omaha. There's individuals that were literally picked as small, quick wins, which means they were supposedly guaranteed to get funding. But because they were a for profit business, DED excluded them and offered them \$50,000, and that--

KELLY: One minute.

McKINNEY: --and that is a fact. I know a business right now that should be receiving \$1 million to help their business, but DED excluded them out of the rapid grants and only picked nonprofits, which I'm against, and they only offered them \$50,000, when in the report, in the request, they were guaranteed \$1 million. And why shouldn't I have a problem with that? Because they're not trying to help my community. They're just trying to burn, feed us and hold us back. And that is a-- that's just a fact. And that is the problem. And I'm not lying. I'm telling the truth. I have no reason to lie. So when people stand up and talk around you all's circles that we're lying, stop lying and tell the truth. Tell them how you're selling our community out. Tell that. Thank you.

KELLY: Thank you, Senator McKinney. Senator Hunt, you recognized to speak.

HUNT: Thank you, Mr. President. Good morning colleagues. Good morning, Nebraskans. I think-- I'm enjoying the conversation this morning and I think a couple things are true at the same time. I'm enjoying this conversation. I remember the hearing that Senator Wayne is talking about, in Urban Affairs. I'm the Vice Chair of Urban Affairs. And I agree with what Senator Lowe said. It was probably one of the best hearings we've had in a really long time, because we got to take the focus of supporting entrepreneurship and innovation, supporting small business owners in underserved communities in Omaha, and give them this platform of this committee hearing to tell us what they're doing, to tell us what they would do with this funding. And what I've heard over the past day and this morning, about how, you know, a lot of community leaders, the Governor, different philanthrop-- philanthropic, folks in Omaha really fumbled the bag and dropped the ball by excluding Senator McKinney, by excluding a lot of the people who are already leaders in this space and sort of falling into the

same pattern that perpetuates the problems we do see in north Omaha and midtown, where the folks who are already doing the work, who are already exhibiting leadership, who are already close to the ground and know what it is that the people they serve need, are pushed aside for moneyed interests, for power, for whiteness, frankly, to come in and say, we actually know what's best for you. I, I sort of fell off this interim, too. I was not a part of any of these conversations. I haven't talked to Senator McKinney or Senator Wayne very much this interim about what we're working on or what's going on in their communities. Our districts are neighbors. To the east, my neighbor is Senator McKinney's district. To the north, my district borders Senator Wayne's district. So, the interests of their people matter a lot to me, because that's the neighborhood that I grew up in, too. And I know that that's a lot of the people and interests that I represent, as well. I had a tough interim. I, I really went through the wringer and tried to do everything I could to come back here in January ready to go. And I also think it's true what Senator Linehan said. That point is well taken. She is a stateswoman. She has a lot to be proud of, absolutely, in her career. But the Chair himself said less than an hour ago that this motion is debatable. How are you going to have someone go-- use the rules, as Senator Wayne has done, to make a point which is allowable under our rules, which is actually sort of part of the theater of politics, honestly. You can have your opinion about, about that but that's what we're all doing here is performing politics. And very rarely do we actually get an outcome that took a lot of hard work that we didn't know was already preordained, but we're all here acting like senators, playing senator. So when Senator Wayne is playing senator, not only that, but actually putting his money where his mouth is, standing up for the interests of his community, talking about the things that are already happening that people aren't acknowledging, then, all of a sudden, it's against the rules. Then it's not a debatable motion, but the Chair just said less than an hour ago, yes it was. So it can be true that we want to move on and hear the Governor. We will. We will. I'm sorry for people who cannot stay to hear the Governor because we're going to take more time, but you can watch it later or something, you know, it's OK. It's not the end of the world. This is part of the work we do in this Legislature, which is a separate and equal branch of government. And I would like this platform that we have here to be used for people like Senator Wayne and Senator McKinney and anybody in this body who has been slighted by people like the Governor--

KELLY: One minute.

HUNT: --thank you, Mr. President-- and has something to share about that under the umbrella of what is allowable by our rules. It takes statesmanship, as well, on the part of the Governor, on the part of our colleagues here in this body, from community members and financiers, to make sure that we don't get to this point, that we don't leave people out of conversations where then we're kind of put in a position of being defensive, I guess. But the fact that we're having this conversation, people are listening. The, the balconies are full. Folks are here to listen, so it's a good time to talk. Thank you, Mr. President.

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

BOSN: Thank you, Mr. President. Would Senator Wayne yield to a question?

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

WAYNE: Yes.

BOSN: Senator Wayne, is there something you'd like to say to address the body?

WAYNE: Yes. Thank you. Out of respect for the people in the balcony and out of respect for this body, because they are not the ones who I think are fumbling the ball, I will withdraw my motion to overrule the Chair.

KELLY: The motion is withdrawn. We'll continue with the motion. Please state your point of order.

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

KELLY: There was no ruling by the Chair. Senator Machaela Cavanaugh, you're recognized to speak-- the point-- on the point of order.

M. CAVANAUGH: I'm sorry?

KELLY: You're recognized to speak on the point of order.

M. CAVANAUGH: There was a ruling of the Chair in favor of Senator Linehan's point of order. And Senator Wayne made a point of order to overrule that ruling of the Chair. And he withdrew that but we did not vote on it, and I am now making my own motion to overrule the Chair.

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KELLY: You are recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. Lieutenant Governor. I appreciate Senator Wayne's wanting to allow us to move forward, but I wanted-- I do want us to vote on this because Senator Hunt made an extraordinarily excellent point, that in allowing us to even begin the debate when Senator Fredrickson began, the Chair has essentially acknowledged that it was debatable. So, again, I appreciate Senator Linehan's notion to get us moving forward. And I'm not going to belabor this point, but I do believe we should vote on this because the Chair, the presiding officer, acknowledged that this was debatable in allowing us to debate it. And then he changed his mind when Senator Linehan made a motion, but that's not really how things work. And truly, colleagues, if we want our rules debate to have integrity, we need to be consistent and we definitely need to be more consistent than we were last year. So I would like us to vote on this. Thank you. And I don't need to close.

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

McKINNEY: Thank you, Mr. President. I heard the comment that, you know, we should respect the people in the balcony, which is true. But for the people in the balcony that work for these agencies, I want you to respect my community and communities like mine when you're doing your job. That's what I want you to do. If you work for the "Department of Hell and Harm", stop dropping the ball, as far as taking care of kids in the child welfare system and do your job. If you work for the "Department of Punitive Services", do your job and make sure the men and women coming out are better, rehabilitated. Make sure that the women in York have better water. Make sure that there aren't rats running through the kitchens of these institutions. Make sure there's proper programming. Make sure you're properly staffed. Don't send letters to the AG challenging the law that would help individuals inside and help with our prison overcrowding crisis. Don't do that. If you work for the "Department of Exclusion and Dropping the Ball" act like you care about my community and do your job and uphold the law. Because currently, the programs that you're implementing aren't, aren't according to the law. The law specifically said anybody that applied is eligible to apply again. You wrote a program that said the opposite. If you give out money, make, make sure there's outcomes and people ain't trying to make money, especially not-- especially nonprofits that have never cared about my community. We stood up and fought for that legislation, because of the nonprofit, industrial complex is a problem in north and south Omaha. Do your job if you want

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respect, whatever agency that you work for, especially if you're black. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized close.

M. CAVANAUGH: This is a real roller coaster, friends. I said I wasn't going to close, now I'm closing. After some conversation with my colleague, Senator Wayne, and I [INAUDIBLE] say I don't know what it means when Senator Wayne talks Senator Machaela Cavanaugh out of doing something, but I think you all should be a little terrified. I withdraw my motion to overrule the Chair.

KELLY: The motion is withdrawn. Members, the committee is-- to escort the Governor to the Chamber consists of Senators Brewer, Conrad, DeBoer, Ibach, and von Gillern. Please escort the Governor to the Chamber.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Governor Jim Pillen and First Lady Suzanne Pillen.

JIM PILLEN: President Kelly, Speaker Arch, and members of the One Hundred Eighth Nebraska Legislature, family, friends and distinguished guests, my fellow Nebraskans, over the past 11 days, Nebraska has experienced historical-- historically brutal winter weather. Subzero temperatures, back-to-back blizzards, unrelenting paralyzing winds, that much of our state-- stranding hundreds of travelers, preventing farmers and ranchers from getting to their farms and taking care of their livestock, shuttering businesses, challenging our power grid, threatening safety and commerce of thousands. To meet this emergency, Nebraskans helped Nebraskans, just as we do in every single time, countless times before. State troopers, sheriff's deputies, police officers, our first responders, snow fighters from across the state moved swiftly to rescue those trapped by the storms, clear roads, dig out our communities and agriculture. These brave men and women represent the best and the backbone of our state, public servants who rush into the storm and into harm's way to help their neighbors. It's because of them and because of the resilience of the toughest, hardest working people in this land that our state is as strong as ever. In the balcony today, to my left, we have the Nebraska State Patrol Sergeant Jesse Pfeifer, Air National Guard Major David Strom, Department of Transportation district operations manager and snow fighter Tim Koening. We thank them for their tireless service to

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Nebraska, and I ask you to join me in recognizing them as representatives of all of Nebraska law enforcement, first responders, National Guard, and highway workers. Could you please stand and be recognized? Thank you. You know, we must never recognize-- we must, we must, we must never forget the reality of the hazards that our public servants face every day, making us-- keeping us safe and getting us to where we go. This past year, we, Nebraska, lost two of our DOT highway workers in the line of duty. Their names: Mark Wells and Dave Schwartz. I ask you all to join me in a moment of silence to honor their memories. Thank you. One year ago-- time flies, doesn't it?-- I stood before you in this incredible Chamber and pledged to be Governor of all Nebraskans and to build relationships with all of their representatives. It's been my honor to do so. We did not agree on everything, God forbid if we did, but we certainly agreed that our kids are our future and we never, ever give up on our kids. United by these pre-- principles together in '23, we accomplished much for Nebraska's future. We took major steps to make sure the state meets its, meets its school funding, promising-- that promise to every kid in every district by investing in the Billion Dollar Future Fund [SIC] to support K-12 education. This included a critical step forward in foundation aid of \$1,500 per student and an overdue increase in special education funding. We invested in our workforce by guaranteeing state funding for our dynamic community college system to help increase to trade school degrees. We passed the Opportunity Scholarship Act, which will ensure that needy students from every corner of our state that have a chance at a good education school that will be the best fit for them. To no one's surprise, the success of this pro-- program is obvious, with thousands of Nebraska kids already expressing interest in it. We're joined this morning-- several are with us, including scholarship recipients Nyah Bell from Omaha and Destiny Curtis from Norfolk. Nyah is a junior and Destiny is an eighth grader. Please, if Nyah and Destiny could stand, please welcome these students to our Chambers this morning. On a side note, we've talked in the last hour about all of us being comfortable, being uncomfortable to grow and get better. And, they were-- they, they knew all about it. You guys are awesome. It's good. Tough stuff. Sadly, union bosses and politicians are trying to rip scholarships away from kids like Nyah and Destiny, when everybody to understand that, that should-- wouldn't be the case. I will fight to protect what we've worked hard to pass last year and call upon this body to do the same. Last year included major achievements in other areas. We took a big first step toward addressing mental health, the challenges throughout our state, with a unanimous creation of certified community behavioral health clinics.

2023 was a groundbreaking year for fiscal conservatism, as well. We agreed that the state government was spending too much money and taxing its people too much. We tighten our belts. We passed a historical conservative budget with only 2% growth. We agreed that taxing our senior citizens on Social Security is not the Nebraska way, and we ended it. Congratulations. We finally made our income tax codes competitive with our neighbors by reducing income tax rates to 3.99% by 2027. Agriculture is the heart and soul of Nebraska's economy and we made big investments in its future and infrastructure. We supported value-added agriculture by increasing consumer ethanol access. We created strength in the Nebraska Broadband Office, which will leverage once-in-a-generation resources to ensure rural Nebraska businesses and farms and families can connect to a global economy. Thank you. That's a big deal. And we created the financing tools needed to finally finish our state highway expressway that's been underway for over 40 years in our state. We defended the unborn by restricting abortions beyond 12 weeks. We will continue to embrace life here in Nebraska with the launch of a yearlong culture of life and initiative. It will provide resources to expecting moms, especially those in crisis who need support more than ever. Much more remains to be done, but this Legislature should be proud of its investments in Nebraska's future. I can't thank you and commend you enough for our work together. Thank you. We Nebraskans are a people grounded in our values. It's about faith, family, freedom, life and love. We are a place of rich opportunities and one of the safest places to live in the world to raise our family. We have the gift of belief. It's among our greatest strengths that we believe we can compete with anyone, anywhere in the world. And we can and we do, everywhere across the state. Blessed with these traits, our economy can weather any storm and emerge stronger. Our economic diversity is founded-- is the foundation of this resilience. If agriculture slows, our manufacturer keeps Nebraskans at work and vice versa. Our banking sector, much of which is family-owned and deeply familiar with the businesses and the farming operations it serves, it provides the stability and liquidity needed for growth across the state. Because of sound prudent regulation and a low tax burden, Nebraska has become an insurance capital, attracting strong companies, creating thousands of jobs, and an industry that today ranks in the top 3 in the United States. Yeah. That's incredible. And I might add, we're not too far from just passing Iowa, as well. Our public university system has world-class healthcare and biosecurity assets, which attract patients and experts from across the globe. We are a sophisticated national security hub, hosting STRATCOM at Offutt Air Force Base and providing the nuclear deterrence necessary to

secure a troubled world. To support and grow these incredible economic assets, among our chief goals in state government must be to get government out of our way, reduce regulations and bureaucratic hurdles and empower people and business to thrive. In our administration, we call this "operation: clean out the closets", in which we try to identify every statutory and regulatory mandate that adds needless costs to healthcare, education, senior care, business of all kinds. We can do much in the executive branch, but we need everyone's help so we can partner with you to complete this task and stay vigilant [SIC] against new, costly mandates. Together we can-- together we can get government out of the way and focus on its core functions. Right. Focus government on our core functions: Safety, education and infrastructure. This legislative session will be short and fast, but it holds incredible promise and opportunity for our state. There is a tremendous amount of the people's work we must accomplish to make this a better, safer and stronger place for every Nebraska kid, family, business, and farm. If we are thoughtful, principled, and keep the interest of all Nebraskans before us, I don't have a shadow of a doubt that this has the opportunity to be the most impactful legislative session in our history. First and foremost, the most important economic issue we face is out of control property taxes. Anyone that has been out in the state, I've been everywhere in the last three years, by the way, property taxes. It's property taxes, property taxes, and property taxes. This crisis is not new. It's been hurting Nebraska's farmers, ranchers, homeowners, and businesses for most of all of our lifetimes in this Chamber. High property taxes hurt every Nebraskan in every single part of our state. It must be fixed now. Property taxes are so out of whack, you don't even need to own property to be adversely affected. They are the most regressive tax government imposes on its people. Fixed-income Nebraskans who have lived, worked and raised their families here, now face the prospect of being forced out of their homes due to out of control property taxes. That is unacceptable, but we have several proposals for all of us to work together to fix it. Senator Linehan has introduced a hard cap on local spending, which can be overridden only by the vote of the people. This measure is critical, as only a hard cap will force our local governments to finally curb spending. Senator Dover has a bill that will repurpose existing credits so all property taxpayers can benefit from this relief, not just those with the best accountants. His bill will also add \$1 billion in new property tax credits. Critical of all of these credits will be front loaded so the property taxpayers will see them directly under property tax statements, instead of hanging to go through an owner's process to claim them and

their income taxes months later. Through hard work, collaboration, and setting politics aside, we must find the revenue to support this top property tax relief. Senators von Gillern, Kauth, Meyer, Murman, Albrecht, and Linehan have offered several bills to close tax loopholes created by special interests at the expense of the middle class. We have examined over 500 agency cash funds, and we will transfer \$274 million from those to support property tax relief. And just in case you're wondering, after that transfer, in those 500 cash agency accounts we still have \$2.49 billion, that's with a B, billion dollars in those cash funds. And that's not even counting the \$1.25 billion in our general and cash reserve fund. So add that up. It is not the job of government to hoard cash, and we must give it back to the people. We must lower our overall tax burden, widen our tax base, and end the era of special tax breaks. Tax policy must benefit our state as a whole, not whoever has the best lobbyist. With these changes, Nebraska property tax bill will be cut by 40% this year. I know I have 100% confidence that there is the will, the good faith, and the knowledge and the ability in this Chamber to solve it. And I pledge to work with all of you as long as it takes to get this done. Nebraska government remains too big at every level. Since my inauguration, we have been relentless in searching for efficiencies, cutting costs, ending bloating contracts, and working to meet the performance improvement targets this Legislature set out before us last year. We must do more, including by structurally reducing the excessive number of boards and commissions that have been built up in Nebraska government over the years. At last count, we have over 200 state boards and commissions, many of which are redundant or oversee activities that can be eliminated. Senator Brewer has introduced a measure that would eliminate 48, about 20% of our boards and commissions. It's a start. I urge the Legislature to make the most of this opportunity to shrink unnecessary government. For over a century, Nebraska has been the land of opportunity for newcomers. For years, we have used income tax abatement as our main tool to incentivize companies to come to Nebraska. This has yielded many success stories and thousands of good, well-paying careers for hardworking Nebraskans. But going forward, we must make sure we are not giving our topsoil away by giving incentives to foreign companies who view Nebraska merely as a conduit for cheap electricity, free water and cheap labor. We must align our economic incentives to strengthen not only value-adding new businesses, but also Nebraska-owned, Nebraska-led businesses which have been building our economy for generations. That is why I'm working with Senator Linehan to reform our current incentive package to make Nebraska's incentives competitive in the

manufacturing sector for Nebraska-grown companies. While we want to create and incentivize great careers in, in Nebraska, we must focus more on recruiting people to the good life. We must retool our incentives to be people focused. One priority, brought by Senator Brewer, will be strengthening the ranks of our great Nebraska National Guard by exempting its members from state income tax. While significant, this is the least we can do to honor them for all they do for our state and our nation. Thank you, Colonel Brewer. Thank you for your own service and your commitment to the armed services. Thank you, Colonel Brewer. We will incentivize new Nebraskans to join our private workforce, too. Senator Ballard has introduced an innovative bill that will give Nebraska businesses credit for bringing new residents to our state. Passing this bill will be another investment into our workforce, but we must recognize that investing in the 21st century workforce is far different than what we've ever done before. No longer can we focus on tax breaks on companies that are takers, not givers, and do not share our values. With input from our working group that focused on workforce development over the past six months, we've come forward with proposals in childcare, early-- early childhood education, housing, and general education. I partnered with Senator Bostar in legislation to create a Micro-Center network. This will allow local communities and businesses to get creative with existing space and resources to meet their childcare needs. To build the housing we need for our workforce, we should invest an additional \$25 million into the Rural Workforce Housing Fund. All across rural Nebraska, the demand for workforce housing is so great that the homes are sold before the doors are even hung. But it's just not a rural issue. Housing affordability and available-- availability is an incredible issue in our metropolitan communities, as well. Part of the shared problem is local overregulation of affordable housing. That's why I am partnering with Senator Lowe on lowering the regulatory burden for affordable housing. A recent UNO study showed that regulation as a component of construction is over \$40,000 higher here in Nebraska than the national average, simply makes no sense and unacceptable. We must cut the red tape out and make our homes more affordable in Nebraska. I'm partnering with Senator Walz to break down the barriers for potential teachers to enter the workforce. I ask this question all the time, I'd like us all to think about it. Who are the top three people that impacted your life the most? I guarantee when we take the time to think about it, all 49 of us will answer 1 of the 3 is a teacher or a coach. And I tell you what. If someone would have told me that or I would have known and understood that impact, I would have been a coach. It is one of society's most important professions [SIC]

impacting our young people. That is why we must allow for reciprocity of teachers coming from another state and simplify how to apply for and receive teaching certificates. Teaching shortage is a crisis. That way, more Nebraskans can easily choose this honorable profession. Finally, I'm working with Senator Linehan to change our incentive credits to direct them toward housing, child-- housing, childcare, and early childhood education for Nebraska. Outside the building, the state government must do more collectively to allow our institutions of higher education to meet the workforce needs of tomorrow. I look forward to partnering with our University of Nebraska, our state college system and community college system to launch the One Nebraska Initiative. The goal will be to eliminate endless duplication and efficient competit-- inefficient competition between our state-funded schools. Along with finally harmonizing and strengthening our Regents Scholarship program, we will make sure that our higher education keeps our best and brightest here and trains them to lead Nebraska into future. These efforts will stop the brain drain, will welcome new Nebraskans, and will help businesses, ranchers and farmers thrive. And speaking of attracting people to Nebraska, it's really, really tough to do with a slogan that says Nebraska: not for everyone. Are you kidding me? We must bring our economic development, our people recruitment, and our tourism promotion work back under the same leadership so that they can be better coordinated and run at less administrative expense to the taxpayers. Senator McDonnell has a carryover bill from last session that would correct a decade old mistake of separating tourism from economic development. I urge you to pass this bill so we can, again, tell the world the good life is here in Nebraska for everyone. Nebraska has become a mecca for women's athletics, with our women's sports drawing tremendous inspiration, excitement from all over the world. Our female athletes are superstars. Supporting our women athletes takes more than just buying tickets and watching games. It also means protecting them in the arena and in the locker room. Simply put, I don't want my granddaughter to bear the fundamental unfairness of competing against a boy and I certainly don't want her to suffer the indignity of showering next to a boy. That goes both ways. Our boys shouldn't be sharing showers with girls. This is commonsense stuff that the overwhelming majority of Nebraskans support. Senator Kauth's Sports and med-- Sports and Spaces Act, also carried over from last year, reflects simple Nebraska common sense. I believe in sports, I believe in women's sports, and I believe in protecting women athletes. And I urge you to pass LB575. We have also included in our budget proposal funding that will enable us to take advantage of once-in-a-lifetime re-- federal resources designed

to develop the new bioeconomy here in Nebraska. This diverse area of economic activity encompasses everything from sustainable aviation fuel to plastics to amino acids, acrylics, the potential of making nylon from corn. All of this can happen in Nebraska. Nebraska is uniquely well-equipped to be the leader in this new economy. We are blessed with the constantly renewed water resources that are not only a natural buffer against drought, but also enable us to grow crops more sustainably than anywhere else, literally in the world. We already produce the building blocks of this new bioeconomy. This will provide more value for our agricultural products, more research and innovation, and more wealth right here in Nebraska. We are the envy of the nation when it comes to our people, our safety, our energy independence, and our food security. Center to it all is our pot of gold, the Ogallala Aquifer, one of the few truly sustainable aquifers in the Western Hemisphere. Our water is the key to our value-added agriculture, the ability to raise more crops per acre while using less energy. Looking ahead even beyond this session, it is critical that we strengthen our water laws to guarantee that this priceless resource is not diverted to solve water management failures in other parts of the country. We must invest to incentivize ag producers to use less water to raise more. Better measurement tools, more use of technology, and more innovation will enable us to use less water while irrigating more crops right here in Nebraska. With our water being the envy of the world, we cannot allow adversarial foreign interests the ability to take it. That is why I am partnering with Senator DeKay to modernize Nebraska laws on land ownership to prohibit purchase by adversaries. This bill would tighten up those restrictions and provide a clear directive for enforcement. Additionally, this bill rescinds exemptions for foreign ownership, such as foreign oil, gas, and mineral development in the state. The world is not the same as it was in the '50s. That's the last time these laws have been reviewed. It is imperative to keep enemies in our country from owning land in our state, especially near sensitive military installations. I am also partnering with Senator Bostar to banned enemies like China, North Korea and Iran from bidding on any public contracts that deal with security-related items like IT, communication networks and infrastructure. As I close, I want to share with you an incredibly profound moment in my first year as your Governor. Early last year, I was privileged to be the first Governor to join a conference of Nebraska's tribal leaders in South Sioux City. While there, one of the tribal leaders shared with me what he had learned from his grandfather. His grandfather taught him that whenever community comes together when-- wherever we're working, making important decisions for

the people's future that they're guided by their actions, that they have an impact for a long time. And I said, yeah, I get it. And he said, no, Mr. Governor, you don't get it. My grandfather taught us 7 generations. That-- I found that incredibly powerful and it impacted me every day since. It's come to be my guide for public service. I hope that you may-- it may impact you as we work, that we start thinking about 7 generations. And if you think about it, it's been roughly 7 generations since Nebraska was founded. Just think, some in this room has forefathers that were here. Just think of our forefathers, think of our pioneers who poured their blood, sweat and tears into this land, not only for themselves but for their kids and grandkids and for generations to come. Their hard work, their grit, sacrifice and optimism is totally reflected on who we are today. So as we do the people's business in the days and weeks and months ahead, we should never forget that we are working for the future of generations of Nebraskans, so that they may inherit the same safe, strong and prosperous Nebraska that we enjoy today. If we look beyond localized interests and set politics aside and instead put the best interests of Nebraska as our sole guiding principle, I have no shadow of a doubt that we can win for agriculture, for business, for our taxpayers, for our kids and for our future. Together we can. And then speaking of an impact for 7 generations, thank you to this body for partnering past session to launch a \$5 million investment into mentoring organizations across the state. Because not every kid needs a mentor, every kid deserves one, and the lifetime benefits of mentoring cannot be overstated. And that's why I'm really honored that-- to be joined today by one that I-- mentored me, just an extraordinary, extraordinary public servant of Nebraska, Coach Osborne. Coach has been an incredible leader in creating mentoring opportunities for thousands of kids and he's just an incredible inspiration to all of us. Will you please join me in recognizing Coach and everything he's done for Nebraska? A couple of us even remember him being a pretty darn good football coach, too. Well, let me finish up by saying thank you for your friendship and your partnership in the service of the people we collectively represent. It goes without saying, none of us here could answer this call to service without the support of our families. The personal sacrifice that everybody makes in this Chamber is off the charts, and it couldn't take place without the support of our families. I'm incredibly grateful for mine and for the support of First Lady Suzanne. Thank you, dear. And I have my number 1 cheerleader, my granddaughter Halle, a fifth grader here. Halle, you stand up and just give everybody a wave, would you? And so-- and so thanks to you and thanks to all your families, because together, we

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can make an incredible difference of public service to Nebraska. And let me just finish by-- that what an incredible privilege it is to partner and work with you. And I look forward to the days ahead. God bless you and God bless the incredible, incredible state of Nebraska. Thank you for the time today.

KELLY: Committee, please escort the Governor from the Chamber. Members, please find your seat. Senator Fred-- Fredrickson would like to announce the physician of the day, Dr. Steve Williams of Omaha, please stand and be recognized by your Nebraska Legislature. Mr. Clerk for items.

CLERK: Mr. President, amendments to be printed from Senator DeKay. Additionally, new bills. Speaker Arch, at the request of the Governor. It's a bill for an act relating to appropriations; amends Section 21, 26, 68, 71, 76, 77, 78, 79, 83, 85, 87, 90, 91, 93, 94, 95, 97, 101, 102, 103, 104, 105, 106, 113, 115, 118, 119, 120, 121, 122, 124, 130, 131, 132, 133, 135, 136, 150, 157, 165, 173, 219, 221, 222, 223, 224, 225, 226, 228, 229, 230, 232, 235, 236, 241, 254, 255, 267, 268, 280, 282, 285, 290, 301, 306, and 307; defines terms; provides changes, and eliminates appropriations for operation of state government, postsecondary education, state aid, and capital construction; provides changes and eliminates appropriations of funds allocated to the-- to the state of Nebraska from the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended; repeals the original section; and declares an emergency. Legislative Bill 1413, introduced by Senator Arch at the request of the Governor. It's a bill for an act relating to funds; amends Sections 8-604, 29-2262.07, 37-323, 37-345, 37-431, 48-621, 48-622.01, 59-1608.04, and 81-1505.05, as well as Section 61-405, 71-812, 79-810, 81-1201.21, 81-12,146, 81-1558, 84-512, Sections 37-1804, 48-622.02, 61-224, 71-7611, 79-3501, 84-612, 85-2009, and 86-324; transfers and provides for the transfer of funds; creates a fund; changes the use and distribution of funds; harmonize provisions; repeals the original section; declares an emergency. LB1414, introduced by Senator Linehan at the request of the Governor. It's a bill for act relating to revenue and taxation, amends Sections 13-518, 13-519, 13-520, 77-27,142, Sections 77-1776, 17-- 77-27,144, 77-346 [SIC--77-3446], 77-6203, and Section 77-1632, as well as 77-1633; adopts the Property Tax Growth Limitation Act; changes provisions relating to budget limitations; harmonize provisions; repeals the original section; declares an emergency. LB1415, introduced by Senator Dover at the request of the Governor. It's a bill for an act relating to revenue and taxation; amends Section 81-12,193, Sections 77-6702 and 77-6703; adopts the Property Tax

Relief Act; changes the Nebraska Property Tax Incentive Act as prescribed; harmonize provisions; repeals the original sections; and declares an emergency. LB1416, introduced by Senator Bostar at the request of the Governor. It's a bill for an act relating to childcare; adopts the Child Care Capacity Building and Workforce Act. LB1417, introduced by Senator Brewer at the request to the Governor. It's a bill for an act relating to government; amends Sections-- amends Sections 2-509, 2-517, 2-518, 2-519, 2-1803, 2-4901, 2-5003, 20-506, 38-24 [SIC--38-204], 38-308, 38-1503, 43-2405, 48-622.03, 66-1618, 71-814, 71-815, 71-1134, 71-2454.01, 71-5311; 71-7101, 71-7102, 71-7106, 71-7107, 71-7108, 71-7109, 72-724, 72-812, 72-2101, 76-537, 76-540, 76-2207.18, 79-860, 79-866, 79-867, 79-868, 79-1810, 80-401.09, 81-502.01, 85-1404, 85-1607, 86-444, 86-516, 86-521, 90-306, as well as Sections 28-712, 39-2106, 39-2301.01, 39-2304, 43-1302, 43-1903, 43-3401, 43-4001, 43-4203, 43-4216, 43-4406, 43-4513, 66-2001, 71-3703, 71-7012, 71-7804, 72-224.03, 76-2222, 79-810, 79-870, 79-1245, 79-2204, 80-318, 81-8,110.01, 81-1108.32, 81-1348, 81-1503, 81-1504, 81-15,159.01, 81-15,245, 81-3428, 82-703, 82-706, 82-803, 83-1212.01, 85-1008, 86-461, 86-1101, and 86-1102, as well as Sections 38-167, 71-7104, 79-808, 86-1103; creates, eliminates, terminates, and provides, changes, eliminates, and transfer powers, duties, and memberships of boards, commissions, committees, councils, task force, panels, authorities, and departments; changes and eliminates funds; harmonize provisions, repeals the original section; outright repeals Sections 43-4003, 50-603, 71-7105, 71-7110, 71-7113, 79-862, 79-864, 79-865, 79-869, and 79-871, and Sections 43-1306, 79-861 and 79-863. Turning to the agenda, Mr. President. Senator Erdman would offer proposed rule change 3.

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

ERDMAN: Thank you, Mr. President. Good morning. Been a little delay this morning, but here we are talking about a very important rule change, one that I thought was peculiar 8 years ago when I signed up to be a state senator, and it still seems peculiar to me. So as we begin the debate on the rules, I had made some opening remarks a couple of days ago, and several people have alluded to the fact that our Rule Book needed to be rewritten. I believe they agree that our rules are very difficult to understand the way they are written now, and that whole Rule Book needs to be changed. And I did have a proposal to do that. So that'll be for someone in the future to do, whether they adopt the changes that I put in that Rule Book change is up to them. So today we're going to talk about open voting. And as you

will see on the amendment that you have at your place, you have 2 sections that we're dealing with. It's Rule 1, Section 1, and that deals with the election of the Executive Board members as well as the Speaker by secret ballot as it's currently written. So what the rule change does. It just basically strikes a secret ballot and says a roll call, majority vote of the elected members of the Legislature and the elected members in this Rule 1 are those that I just described and, whereby, it says: Each senator shall state the name of the candidate of his or her choice. And then we're also amending Rule 3, Section 8. And that is the election of chairmans and chairpersons. And so what we're trying to do with this rule change is anyone who has a leadership position in any standing committee, they will be elected by open voting. I visited with Senator Conrad this morning, and I told her that if she would like that I could give the opposition's opinion on this. And then when I finished, she could just put her light on and say, I agree. And she smiled. I don't believe that'll be the case, but let me go through some of the reasons why we need to make this change. This body functions on trust. And if you can't trust people, it's a difficult place to work. In the past, we've had people serve in this body that their word was absolutely worthless. They would agree to something, even to the point when they agreed to something, wrote it on their letterhead, signed it, they still tried to back out on their position. So what happens here is we have a secret ballot, and people tell others that I'm going to support you for this chairmanship. And then the vote is taken and they find out that they got less votes than they had commitments for. And so then for a long period of time after that, they're trying to determine who didn't tell them the truth, who lied to them. And so they may mistrust somebody that they thought changed their vote when they didn't, or the person whom-- who did vote against them and lied to them, they may trust them. So this is based on trust. In '17, and I made this comment back in '17 on the 28th day, it was the first time I spoke on the microphone and I said this. We changed every committee chairperson there was in '17. We elected freshmen to chair-- chairmanships. We did that because we figured out how to use the secret ballot. No one had done it quite like we did before-- did that time. Had we had open voting, we would have never pulled that off. For you see, believe it or not, I voted for a Democrat, that Democrat is Justin Wayne. I voted for Justin Wayne every time he's ran for a position. I'm not ashamed of that. I wouldn't have been afraid to say that on the floor of the Legislature. But what we have when we have secret ballot, we have those who trade votes. You vote for me, I vote for you. No one will know I voted for you on the other side of the aisle. And that's what we have. We've had

that for a long, long time, and people have figured out how to use it to their advantage. But we did that once. That was an amazing day. On the sixth vote that day, the person that sat next to me came and asked if he could mark the rest of my ballot for me. He had figured out that we had discovered how to use a secret ballot. In my district, I have yet to meet a person who said they want us to vote by secret ballot. Maybe in your district is different, but I think every vote that we cast here should be open and transparent. And you will hear those who are opposed to this open voting rule change that they think it's important, it's vital that we have the media in Executive Session. Transparency. We need transparency, but they're opposed to being transparent on their vote for committee and leadership. You can't have it both ways. And so what we presented here today to you is an opportunity for us once and for all. And we've been talking about this for years is to bring this to the forefront, bring it to a vote, and allow the body to settle this once and for all. Do we want to be transparent? The question is, do we want to be transparent or not? Because you see, there are secret deals made behind closed doors on the secret vote. And you will hear people say, this is a nonpartisan body. That is not true. It has never been nonpartisan, and it never will be. So we say it's nonpartisan because we're trying to make ourselves-- convince ourselves that it is. It's not. Head it-- hit it head on, face it, there is not anybody in this room that actually believes this is a nonpartisan body. George Norris put this body together in the form of a Unicameral because he knew that the population was shifting to the east and the east would have the authority and this Rule Book that we have in front of us today is the result. And you can see the fingerprints all over every one of these pages by Senator Ernie Chambers and Patrick O'Donnell. They have constructed this Rule Book in a way that makes the minority have the authority. And I know you're not supposed to say these kind of things on the mic, but that's exactly what has happened. So for 50, 45, 50 years, those 2 gentlemen constructed this Rule Book to protect the minority. If this was a bicameral, if it were, the minority wouldn't even get a bill to the floor. But in this body, the minority has 35% of the elected officials. The majority is 65%. But with 65%, you accomplish absolutely squat unless you get 66 and 2/3. So I'm not asking to squelch or to silence the minority. What I'm asking is to have the majority finally have the ability to do what the majority wants to do. So we will open this for discussion. There will be many reasons that they give why we shouldn't vote for this, may hurt someone's feelings or whatever other reasons they may have. But the

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bottom line is we need to be open and transparent so those who elected us understand how we vote.

KELLY: One minute.

ERDMAN: Thank you. And some will say, well, you can sure announce to everybody how you voted. I understand that, but we need to be understand-- be able to understand what kind of deals are made behind closed doors. And this is open and transparent and this is open to transparency. So I would encourage you to vote green on Rule number 3. Thank you.

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

CLERK: Mr. President, as it pertains to the amendment to the permanent rules offered by Senator Erdman, Senator Conrad would move to recommit the proposed rule change to the Rules Committee.

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

CONRAD: Thank you. And, Mr. President, just so I can gather my thoughts appropriately, I have 10 minutes to open. Is that correct?

KELLY: Yes, 10 minutes.

CONRAD: Very good. Thank you so much, Mr. President. And thank you so much to my friend Senator Erdman, not only for the shout out, but for his leadership in regards to the Rules Committee. I am proud to share a warm, professional relationship with Senator Erdman, even though we find a few things to disagree on. In public life, we find a lot of other things to come together and work on in service to the great state of Nebraska. And one thing that I truly and sincerely admire about Senator Erdman is that he is straightforward about what his position is. He does not hide the ball, he is transparent, he is consistent, and he is principled according to his set of values and ideologies. And I think he's also very tenacious in his work. So I, I definitely admire and respect that about him. We do have principled disagreements, though, about matters before the Legislature, including the proposed rule change that he has been-- that he has put forward this year that has been advanced by the Rules Committee for our consideration and deliberation this year. So before we get too deep into the minutia, I want to make sure to recognize that in addition to our shared values and commitment to public service, I absolutely and wholeheartedly share my friend Senator Erdman's commitment to transparency and open government. I have worked on those issues

tirelessly as a member of this body for 10 years. I have worked on those issues tirelessly as a civil rights lawyer, trying to hold big government accountable to the people through our open records laws, through our open meetings laws. And there is absolutely no disagreement when it comes to the, the values of transparency and openness in government that, that I do believe we share, and I hope that we share and I hope each of us in this body shares. However, there are important distinctions herein. When it comes to leadership votes via secret ballot, you can still effectuate our shared values of transparency through a host of other remedies. Beyond changing the sacredness of a secret ballot for leadership positions has, as always, been our practice in the Legislature and is the practice in other branches of government literally according to our state laws. Because there's a difference between an election and a vote, and that's something that we need to keep in mind as we frame-up this debate. If Senator Erdman or Senator Slama or others that have most voraciously pushed this change, want to share their vote that they're casting for various and sundry leadership positions, nothing is stopping them. They have a host of remedies to do that. They could take a ballot selfie, put it out on social media, publish it in the local paper. They can stand up in the middle of leadership elections and offer a nomination of another senator, or throw their support publicly behind another senator. It doesn't happen that often beyond the nominations, but it is permissible under our rules. Or you can do what Senator Carol Hudkins did years ago after a hotly contested election, she stood up after the election and invoked a point of personal privilege and told the world how she voted in a leadership position. There are a host of ways to share how you're going to vote for a leadership position that doesn't require changing anything in the Rule Book or taking away the secret ballot from other senators who may want it. Because the sacredness and the secrecy of the ballot in an election belongs to the elector, whether that's in a private ballot box or whether it's on the floor of the Legislature. And the reason behind the secret ballot in an election is to protect against intimidation and coercion, period. That's why it has been developed. That is why it is a long-standing bedrock in our democracy. And so attempts to change that are attempts to heighten intimidation, are attempts to heighten coercion, are attempts to undermine the unique features of our beloved Unicameral Legislature, which has stood the test of time for over 80 years. And my friend Senator Erdman, I know has strong feelings in regards to how our Rule Book was written and what the founder Senator George Norris' motives may or may not have been in regards to the, the endeavor to establish the nonpartisan Unicameral Legislature. But he

is absolutely wrong on a few points. Number 1, the Nebraska Constitution was not given to us by George Norris or Patrick O'Donnell or Senator Chambers. It was given to us by the Nebraska people. And we have to be careful stewards, therein. And when you look specifically at Article III, Section 7, it's plain on its face. We are a nonpartisan institution. That's not my opinion. That's literally what the Nebraska Constitution says, and we need to be stewards of that. Additionally, look at Article III, Section 10. It is unequivocal on its face. The people have given us this constitution, that the Legislature has the primary and only authority to set our own internal rules, including in this instance. So I, I know it's convenient sometimes when we're making a passionate argument to leave out some of those facts, but we couldn't-- we shouldn't gloss over them. Because when it comes to primacy of authority, the constitution is first, statutes next, our rules after that, custom and tradition after that, and Mason's as a final last default source. So we can't and we shouldn't gloss over the Nebraska Constitution, which was gifted to us to steward. Senator Erdman, Senator Slama, and those who have pushed for this measure for years. And this is nothing new, colleagues, I know Senator Erdman had proclaimed that he was going to rewrite the Rule Book to get after the filibuster last year. Secret ballots had nothing to do with the filibuster last year. This is a perennial issue to undermine the integrity of a nonpartisan Unicameral Legislature and inject partisan intimidation, coercion, and control into this proud body against the will of the voters. So let's be clear, since inception party bosses have fought against a nonpartisan Unicameral Legislature. And after it was adopted, they've attempted to take down the nonpartisan Unicameral Legislature for decades. Their efforts have been thwarted, appropriately, by smart men and women, women who served in this body and stewarded the people's will forward in a nonpartisan manner. And we should continue that proud tradition today. Again, my friend Senator Erdman, Senator Slama, and others who have voraciously pushed for this rule change have never availed themselves, to the best of my knowledge, in utilizing other remedies available to them to forecast to their constituents or their colleagues how they were voting in individual races. In fact, just 10 days ago, we took secret ballot elections, all of us, in the Executive Board races. Nobody raised a finger, nobody raised a hand to telecast how they were voting beyond how they voted via secret ballot. Same for taking up leadership positions last year that basically all went the way the majority wanted them to go, nevertheless. But Senator Slama, Senator Erdman have been crystal clear in their intentions, and I appreciate their candidness.

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KELLY: One minute.

CONRAD: They have brought measures-- Mr. President, thank you-- to abolish the Nebraska Unicameral, nonpartisan Legislature, to get rid of nonpartisanship and to get rid of our proud one house that has a small membership that is nonpartisan that has no secret conference committee. They've been clear about their motives, and I appreciate that. But those efforts have not carried the day. And that's because Nebraskans do not wish that, that we follow down the path of partisan dysfunction that plagues our federal government and our sister states. Not only do Nebraskans cherish nonpartisanship in their values, we see it in their actions. Poll after poll says people want less partisanship in government. Every single time we look at those registration numbers, more and more Nebraskans are leaving the traditional political parties to become independent and nonpartisan.

KELLY: That's your time.

CONRAD: Thank you, Mr. President.

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

CLERK: Thank you, Mr. President. An announcement: the Reference Committee will meet upon recess in Room 2102. Reference Committee meeting upon recess in Room 2102. Mr. President, finally, priority motion. Speaker Arch would move to recess the body until 1:30 p.m.

KELLY: Members, you've heard the motion to recess until 1:30. All those in favor say aye. Those opposed, nay. We are in recess.

[RECESS]

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

CLERK: There is a quorum present, Mr. President.

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

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

KELLY: Senator Lippincott would like to announce a guest under the north balcony: Sendin-- Cindy Johnson from Grand Island. Please stand

and be recognized by your Nebraska Legislature. Mr. Clerk, first item on the afternoon agenda, please.

CLERK: Mr. President, returning to debate on the amendments to the permanent rules on Proposed Rule Change 3 from Senator Erdman, amending Rule 1, Section 1 and Rule 3, Section 8. When the Legislature left this morning, upon recess, pending were the-- was the amendment to the permanent rules as well as a motion to recommit from committee from Senator Conrad.

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

RAYBOULD: Thank you, Mr. President. Good afternoon, colleagues, I stand in support of Senator Conrad's motion to recommit to committee. And, you know, before we all jump back into debate, I just want to do a recap of what some of the senators have said about this entire rules debate. And I, I tried to take the highlights. And so I wanted to quote Senator Wishart. And she said, when we view the lenses on all the rule changes, what is the problem we are trying to solve? Senator McKinney said it very clearly: why are we even debating the rules? We established the rules last session and then we changed them mid-session. So why are we doing it again? Senator Conrad, in her opening remarks, really said everything so well, and there's no way I could ever recap it. But basically, her thoughts are, does this make us better as a legislative body? Does this fortify the amazing Unicameral that we have? Are we going down a pathway that is more divisive or are we actually building relationships with our colleagues that make us better Legislatures, which makes us better policymakers? So those are the really great questions that my colleagues have asked. But, you know, I don't expect you to listen to me, and I'm OK with that. But I do want to read some words of some former state senators. Many of you have worked with them already. Many of you know them. This is something that they presented last year to us, and it was a local view from Senator Galen Hadley and Senator Greg Adams. And I'd like to point out that both of those served as a Speaker. And then it was signed on by 11 other former state senators. It was from Matt Williams, Mark Kolterman, John Stinner, Robert Hilkemann, Annette Dubas, Kate Sullivan, Kathy Campbell, John McCollister, Paul Schumacher, [INAUDIBLE], and Vickie McDonald. And here's what they wrote-- and I think it's worth noting. And if you're not going to listen now, then that's OK. I'm going to have the pages make copies and we'll put them on your desk for you so you can read at your leisure. But this is what they said: The nonpartisan structure of our Legislature has been the pride of Nebraskans since 1937. As former

speakers and senators of the Legislature, we saw firsthand how the rules and traditions of the Legislature preserve this nonpartisanship, which produces more thoughtful policy that serves the state as a whole. Our unique, nonpartisan, one-house structure improved on several aspects of a partisan bicameral system. Instead of party leaders having the only meaningful voices in the body, all senators here are equal and independent and can contribute their own strengths and experience to policymaking. All senators, regardless of party, can represent their constituents equally. Every bill introduced receives a public hearing, not just those introduced by senators of the same political party as the committee Chair. Every senator has a chance to make the case for his or her bills. And, more importantly, the public is afforded the opportunity to voice their opinions on every single one. This is how Nebraskans serve as the Legislature's second house. Another way this nonpartisanship shines is when senators elect their internal--

KELLY: One minute.

RAYBOULD: --leadership positions-- thank you-- for Speaker and committee Chairs using a private ballot. This allows senators the autonomy to vote for leaders they believe are the most qualified to serve in those roles rather than who is the most politically powerful. Otherwise, senators might be pressured to vote for a senator simply because they belong to the same political party. With only 49 members in the body, this preserves relationships so senators can work together and have a productive session. Private ballots have long been used for selecting internal leadership positions within school boards, county commissioners, private organizations, et cetera. Republican-majority Legislatures have maintained this process for decades because state senators from all political affiliations have recognized its benefits to the Legislature and to the state. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. And good afternoon, colleagues. I am really grateful for all of the ideas that have been brought forward in regards to Senator Erdman's proposed rule change to eliminate a longstanding and present tradition to conduct ourselves in a nonpartisan matter, as evidenced through our internal electoral process for leadership positions, which is undeniably distinct from policy matters that come before the Legislature and absolutely require

transparency and a public vote. So I want to continue the dialogue that we started when I opened on my amendment and provide a few other additional points. So again, the nonpartisan Unicameral Legislature was gifted to us, even though-- ideated by then-Senator George Norris by the Nebraska people, and it has withstood attack from partisan interests and moneyed interest for almost 90 years. And this has been ongoing through various decades, where partisans and powerful interests tried to undermine the nonpartisan Unicameral Legislature through a variety of means, including by undermining critical features like nonpartisanship, like secret ballot for leadership positions, which has been utilized, in essence, since our inception. And the reason that the people gifted us the nonpartisan Unicameral Legislature, which we have been so proud to steward for almost a hundred years in this state, as a model of civility and problem-solving-- perhaps until very recently-- is because it helps to guard against, as an institution, some of the most dangerous aspects in democracy that even our founders warned us against. Colleagues, look no further. Go and dust off your Federalist Papers if you need to. Or perhaps they're, they're more top of mind for members that have reviewed them recently. But look at the danger that the founders warned us about in regards to faction and how divisive that would be in our democratic process. By removing partisanship from our elections and our service, we were able to strike a blow against faction and do focus on policy and to focus on debate and put aside personalities and partisanship. Any attempt to undermine the nonpartisan Unicameral Legislature flies in the face of our constitution and the will of the people, as evidenced by our constitution and poll after poll after poll that shows that Nebraskans want less partisanship, not more. It is absolutely critical that we guard against factions and we guard against partisanship. If those members who want accountability or publicity for how they organize their individual vote for leadership positions, if they want to transmit that in any manner, they're so afforded the right to do so. They have no need to change our permanent rules, except for they want to because they want to undermine the nonpartisan Unicameral Legislature, and have been transparent about their intention, to their credit. They have literally sought to abolish our nonpartisan Unicameral Legislature. When they haven't been able to be effective in that regard, they've taken to our rules to undercut the hallmarks and the unique features of our nonpartisan Unicameral Legislature that is more transparent--

KELLY: One minute.

CONRAD: --and more visible and more engaging-- thank you, Mr. President-- than any other system of government in our sister states or on the federal level. It's nonpartisan. It's one house. It's small size by design. It is more transparent than any other aspect of government. Every bill gets a hearing. There is no secret conference committee. Each senator has an equal voice and an equal vote. It is not simply a look at the partisan registration to determine who carries the day, and that is a fundamental misunderstanding of the system that we serve in that I would contend that I disagree with my friend, Senator Erdman, in that regard. It can't and it shouldn't be about political parties in Nebraska. And that has nothing to do with figuring out efficient, effective leadership votes and a deliberative process. And nothing, nothing in this rule helps to improve the legislative system or--

KELLY: That's your time, Senator.

CONRAD: --put aside partisanship. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I too am against this proposed rule change. That's why I didn't vote for it out of committee. My reasoning is slightly different in that it's not about politics for me. It's about humans for me. There's a difference for me between an election and the kind of votes that we take on bills or resolutions here in this body. A vote for a resolution or against a bill is about an idea. An election is a choice between a number of human beings. And human beings are different than ideas because we have relationships with human beings. If I had to choose between Senator Linehan and Senator Lindstrom to be Revenue Chair-- which, by the way, I did-- both have the same political affiliation, similar political ideologies, and I have relationships with both. So when I have to mark on that ballot after the letter L-i-n and I have to keep writing, that ballot has the potential to break a relationship. It has nothing to do with politics. It has to do with the fact that if Senator Lindstrom or Senator Linehan, no, I'm not voting for them, they, they keep that in the back of their head. Nothing to do with politics. It's about relationships. It's about human beings. That's the reason that we have secret ballots. We also have secret ballots, if you think about it, in how we vote generally in this country. In 1856, Australia developed the first modern secret ballot system. And it didn't take very long for the rest of the world to find that to be the best system. Jean-Jacques Rousseau

talks about how one of the problems with the Roman democracy was originally they had voice votes for elections, but they had to go to secret ballots-- or, they, they, they didn't have the ability to go to secret ballots. He says this was a problem because it led to corruption and bribery for votes. One of the reasons that we as a country went to secret ballots is because of corruption and bribery. Secret ballots stave off corruption and bribery. How do they do that? How do you bribe me to vote for you if you don't know if I'm actually going to do it? If I can go in there and I still have autonomy in that moment in the ballot box and you don't know, you're much disincentivized to the corruption and the bribery that comes from those kinds of open votes. Here, we're not only talking about committee Chairs, we're also talking about the Speaker, the Chair of the Executive Board, and the Vice Chair of the Executive Board, which are our legislative officers. Now, Senator Arch I don't think is this way at all, but there could be a Speaker-- and likely at some point will be a Speaker of this Legislature-- who would very much like to know all the people who did not vote for him or her because he or she might be less likely to schedule your bills when you like them. And again, it doesn't have to do--

KELLY: One minute.

DeBOER: --anything with party. It may be that I am ideologically aligned with a senator-- let's call them Jones-- and not ideologically aligned with a senator-- let's call them Smith-- but I happen to know that Jones is a liar and a drunk. Now, I'm probably going to vote for Smith in a secret ballot because I know they'll be a better administrator. There is a difference between a vote in an election between humans and a vote on the board for ideas. Thank you, Mr. President.

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

von GILLERN: Thank you, Mr. President. I rise today in support of Rule Change 3. And I thank Senator Erdman for bringing this to the Rules Committee and for his determination to bring this to the floor. When I was running for this office, I was told about this committee election rule and how secret ballots are cast for committees and what a conflict can be created when those running for Chairs are counting ballots. Some will say that they're voting for them, some will say that they aren't. And I was just incredulous. I could not believe that such a strange system took place in this body. You have a room full of

people who ran for office based on their claims of integrity, honesty, and their desire to serve the people of Nebraska. And then they lie to each other about how they vote for committee Chairs? I've heard stories about past sessions where senators did a vote count, thought they had votes for a Chair position, and somehow fell short. And actually, that happened this last year. Some spent-- and not this last year. Not referring to anybody in the room right now, but I know stories where some spent the rest of the session trying to figure out who lied to them and getting even with them. Now, that's a great way to spend our time and energy in this room, isn't it? The system we have today is ripe for conflict. It increases, not decreases, the odds of conflict in this body, and it creates friction amongst colleagues who have to work together to get good work done. I was encouraged when I came here to tell people exactly how I'm going to vote on committee Chairs and then to honor it. If you're not going to vote for somebody, don't tell them that you are. Seemed pretty simple to me. Actually, the thought that went through my, my head was, are we in kindergarten? Do we really need to be told these things? We're sup-- again, we're supposed to be a room full of people who got here on our reputations for honesty and character, but apparently some want to maintain a system where we can set aside our honesty and our character and lie to the people of Nebraska. It's a system that's set up for dishonesty and completely lacks transparency. I've heard the word "transparency" a hundred times this morning about how somehow this secret ballot increases transparency. That's a complete hypocrisy. We don't have caucuses in this house. We don't have a whip that tells us how to vote. We make up our own minds. Senator Conrad said that part of this rule is to avoid intimidation. Well, folks, if you can be intimidated, you don't belong in this room. I guarantee you Senator Conrad can't be intimidated to vote a certain way. Senator Hunt won't be intimidated. Senator DeBoer and many others won't be bullied into voting in a certain way, and I dare you to try. Senator Conrad and then Senator DeBoer also mentioned the sanctity of the privacy of the vote. I believe in that wholeheartedly for the citizens of Nebraska but not for those who were sent here to do the work of the state. I'll ask you a simple question: when has a secret action by a politician ever proven to be good for the people that they represent? If you don't have the courage to tell someone how you're going to vote, again, you don't belong here. I was elected to represent my district in an open manner. I consider it a matter of integrity to make my vote known and open. To cast a secret vote as an elected official, in my opinion, is dishonest, it lacks transparency, it lacks integrity. And by the way, just-- here's a little snippet we ought to also consider-- violates

our constitution, which says every vote shall be taken by voice. I'll always make my votes known and will bear whatever the cost will be from those who disagree. In my opinion, to do otherwise is to lie to the people who sent me here. Senator Raybould asked several times, will these rules changes make the body better? I say yes. Which is better, to keep secrets from our constituents, from the second house-- again, a term I keep hearing over and over again-- or to be completely--

KELLY: One minute.

von GILLERN: --transparent with them-- thank you, Mr. President-- or to be completely transparent with them about our leanings on the most important matters that come before us. Senator Raybould went on to read a quote that said this process preserves relationships. I don't ever recall reading anywhere that keeping secrets from your colleagues, from your spouse, from your family members, from your friends, makes, builds, or-- makes or build stronger relationships. Regardless of how this vote comes out, I encourage you all to be honest with the citizens of Nebraska. If we really believe in the second house, be honest with them. Make the votes open. Once again, I encourage you to pass this rule change to live up to what you were sent here to do, to increase transparency, and to require the body to vote with integrity. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraskans. I too appreciate Senator Erdman's commitment to and interest in government transparency. And I agree that votes should be made public. I also believe that there's a difference between a vote and a ballot. Votes-- the votes we take in here are all public. That's available for public record. They're on the board. Our constituents, citizens of Nebraska, can look up on how we vote on any policy we decide. Ballots are not public. Ballots are a private matter. And when we're casting ballots for leadership, we can be susceptible to undue pressure and be unable to vote our conscience. Nothing in our rules prohibits all of us from being transparent for how we vote for leadership. My colleagues in here who want transparency on this should be publicly posting or saying or putting in their newsletter how they are voting. I'm happy to share how I vote. But I will also say I think it's very important for us all to acknowledge that, while some of us in here might not be susceptible to

bullying, there can be a culture of bullying in here. I've seen it. I've heard it. I've had colleagues in here say things along the lines of, I don't want to vote for X, but my party would crucify me if I voted otherwise. That's something that was literally said to me last year. So we've seen the conversion-- the coercion that can really happen in here. That's a true thing. That's a real thing that happens. When you can't win on merit, you try to win on bullying. That's not just in here, but that's just how the world works. I'd also like to point out that the largest-- the loudest voices in support of this rule change happen to be some of the most partisan members of this body. Look at the voting records. They don't lie. There are metrics out there from last session which members voted across the aisle the most. The receipts are there. Our most nonpartisan members of this body support thoughtful, merit-based leadership. Our friends in the body who push for this support partisan, national platform, essentially, based leadership. That's not the Nebraska way. That's not the way of the Unicam. Our leadership should be based on merit and should not be based on coercion or pressure to push a button a certain way like a lot of other policy votes happen in here. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Good afternoon, Nebraskans. Good afternoon, colleagues. I, I am listening with an open mind. I, I can see the point that people like Senator Erdman are making when they talk about transparency. Transparency is one of my highest values. And I, I can see the point people like Senator von Gillern are making when they say none of our votes should be secret. We shouldn't be ashamed to stand by any vote that we make. I'm certainly not. But as everything is in this room, the way things ought to be is not the way things are. And we know how humans behave. And we've all been disappointed by each other. Let's be real: we've all been lied to by each other. Not all of us are liars, but we've all been lied to, for sure. Like Senator von Gillern, I also know people who lost committee Chairs and then spent the entire rest of the session trying to get back at the people that they thought voted against them. But is that a fault of the process or is that a fault of this weirdo who can't take a loss? If you really, like-- think about how much we all had to do to even get here in the first place: call time, fundraising, telling your wife or husband what you're going to be doing to them for the next four to eight years, knocking doors. Love my constituents. Not personally my favorite thing to do, way to spend time. Everything

we've had to go through to get here and you're really going to get so wrapped around the axle because you lost one thing one time? I've seen it happen. We've all seen it happen. How weak must you be to have that be your whole thing? Loser energy. So I don't agree that the process creates conflict, as some have said. And I don't think that the fact that some people can't get themselves together, take a loss means that we need to change the entire process. I think people need to change. I think they need to get over themselves. And I, I know something about getting over myself. Talking about transparency, a lot of you also-- "lied" is a strong word. I don't think "lie" is quite the right, accurate word-- but a lot of you strongly misrepresented your own positions to your constituents when you were campaigning. I know many of you assured your constituents-- and they remind you all the time-- that you weren't going to support an abortion ban. And here you are last year voting for an abortion ban. Why did you do that? Partisan pressure. When you're going door to door and you shake the hand of a constituent and they say, I've had a complicated pregnancy. My wife had a miscarriage. I support a woman's right to choose, whatever it is they're telling you, and you look them in the face and you say to them, I will not vote for an abortion ban. That's not why I'm running. I'm running to reduce property taxes, to stop brain drain, to support small businesses. I support agriculture and farmers. That's what you guys all do to get here. And then you come in here and you make social issues, social issues your entire identity. Is that a lie? I don't know if it's a lie, but it shows how you can be bullied. And I know that so many of you can be bullied because I bully you and it works. Because sometimes I throw my weight around and you take it. Is that great? No. But it's sometimes the way things happen. The other thing that has to be said is the same people who are calling for transparency in this vote-- the reason you know that this is a purely partisan endeavor, the only reason they want transparency around this one thing is to increase their party control so they can use the threat of loss of power, loss of positions on committees, loss of fun--

KELLY: One minute.

HUNT: Thank you, Mr. President-- loss of fundraising capacity so that they can wave around the vote card and say, here's how Senator So-and-so voted. They didn't vote for me, and now we're going to punish them for the rest of the year. But then the same people talking about that are going to come to us later here, having done a total 180, tie themselves in knots explaining why we shouldn't allow the press in our Executive Sessions. So you want transparency when you can

bully your colleagues, but you don't want it when the press and journalists are reporting on what it is that we are doing. Senator von Gillern says, when has a secret action taken by a politician benefited the people they serve? I say the same thing applies to Executive Sessions. Let the press watch. If you're so proud of what you're doing here, let them report on it. And let's preserve the nonpartisan nature of this institution and keep these secret ballots so we can have merit-based leadership in this body. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I do rise today in favor of this motion to recommit to committee. I, I stand opposed to this rule change. And I stand opposed to this rule change for a, a couple of reasons. And I want to kind of take a step back and talk a little bit about some things that were said earlier on the mic because I think we need to frame this conversation properly when we're talking about modifying this rule. There's been conversation about the word "transparency" and whether or not we believe in transparency. And it seems like there's this sort of overarching belief that if you believe in transparency here, then you should believe X, Y, and Z also. I don't believe that a lot of the rules we're talking about that have been proposed by Senator Erdman or by Senator Arch are necessarily analogous. And I don't believe that if you believe in, in one of these and you have to vote the same way on the other, I, I just think they're not-- it's not a-- there's no through line between them that connects it. And let me talk more about that. When we're talking about what we're trying to accomplish with a particular rule, we need to have a conversation about what is the goal. Is the goal to effectuate the nonpartisan nature of the Legislature, continuing in the way that it has operated? Is the goal to ensure the public's oversight and the, the second house and the people's house, you know, being able to see what we're doing in committee sessions? Or is the goal to allow outside pressure and, and, frankly, capital P politics getting involved in the inner workings of this body? Earlier, Senator Erdman was speaking and he said, you know, even though this is a nonpartisan body, we all know it's not nonpartisan. And I hear that same claim made when I talk to constituents or friends of mine who say, oh, why do you always talk about why it's nonpartisan? Clearly it's a partisan body. But I think that the problem with that is it misunderstands what it means to be a nonpartisan body. We know who the Democrats are in here. We know who the Republicans are in here. We know who the nonpartisans are in here. That's, that's easily known. It's readily

known. But that does not make this a partisan body with regards to the structure and the operations with which we conduct ourselves. A couple of other senators have hinted at this already, but other bodies, other legislatures, other senates in other states that are partisan operate completely differently than us. They have minority whips, majority whips. They have party folks who come in and essentially tell you how to vote. And if you are a freshman senator in a partisan body, you likely are never going to have your bill see the light of day. You're likely never going to be given the opportunity to be in a leadership position. And, and you got to work your way up through what that party wants you to do. We don't operate that way. The Nebraska Legislature is nonpartisan insofar as we are 49 senators who come in here and have our independent voices and our independent beliefs heard with equal power across the spectrum. And what we seek to do with regards to the way that we elect our committee Chairs and our Speaker and other positions with regards to a ballot that can't be seen is not to hide the information from the public of how we operate as a body. It's to ensure that the body remains nonpartisan and free from coercion and collusion from those outside sources. It's been repeated ad nauseum. You can tell people who you voted for. If somebody asks, you can probably have that conversation, and a lot of people are happy to do that. But what we seek to achieve by maintaining the integrity of our election system with regards to how we pick our individual Chairs is to make sure that the best person for the job is getting it, not the person that people feel like they have to vote for. And I think that's of the utmost importance. We have to continue to maintain that integrity. And that doesn't make us partisan. We are still different than the other bodies. And the fact that we are nonpartisan is unique. And, and when I was talking, actually, in a conference this summer to a state senator from Minnesota, I was explaining to her the way that our system worked. And she was blown away. And it wasn't insofar as she didn't think it would work, it was, wow, that must be great. She was talking to me about the fact that we have an opportunity as freshmen senators to have a say--

KELLY: One minute.

DUNGAN: Thank you, Mr. President-- to have our voice heard. And, frankly, regardless of whether or not you're a Democrat or a Republican, the current structure that we have, and that we have had for quite some time, ensures that the best person for a job can be elected. And when I talk to my constituents about this, they ask, why do you support that secret ballot? It takes about 10 seconds worth of talking to explain to them why it operates the way it has and how it's

always operated that way, and they agree with me. The emails that I've got from constituents say, please maintain the integrity of our body. Do not let them take that away. And don't make this a hyperpartisan body. We're not D.C. We're not Minnesota. We're Nebraska. And we need to maintain that. Thank you, Mr. President.

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

MURMAN: Question.

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

CLERK: 28 ayes, 1 nay to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Vargas, please return to the Chamber and record your presence. The house is under call. Senator Dover, please check in. Senator Halloran, please state your point of order.

HALLORAN: I, I would like to have a, a secret ballot on this, please. [INAUDIBLE]. OK. Senator Conrad said she would let me know how she votes, but I don't go to her Facebook page, so I wouldn't know that. I withdraw that point of order. Thank you.

KELLY: Thank you, Senator Halloran. All unexcused members are now present. The question is, shall debate-- we had a vote open. Senator Erdman, would you accept call-in votes?

ERDMAN: Yes.

KELLY: Yes. We are now accepting call-in votes to cease debate.

CLERK: Senator Linehan voting yes. Senator Dungan voting no. Senator Armendariz voting yes. Senator Day voting no. Senator Brandt voting yes. Senator von Gillern voting yes. Senator Moser voting yes. Senator Hughes voting yes. Senator Ballard voting yes. Senator Brewer voting yes. Senator McKinney voting no. Senator Hansen voting yes. Senator

Bosn voting yes. Senator Dover voting yes. Senator Conrad voting no. Senator Slama voting yes. Senator Wishart voting no. Senator Arch voting yes. Senator Riepe voting yes. Senator Bostelman voting yes. Senator Lippincott voting yes. Senator Clements voting yes. Vote is 26 ayes, 8 nays, Mr. President, to cease debate.

KELLY: Debate does cease. Senator Conrad, you're recognized to close.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. Before I reaffirm some of the underlying issues and considerations in regards to whether or not this proposed rule change is meritorious in our nonpartisan Unicameral Legislature, I do just want to note for the record that on-- historically, one of the most contentious issues before the Legislature and definitely the most contentious issue that we faced together this year in this short session, not even two hours went by, not even two hours went by on one of the most important hallmarks of our unique institution of government. People were not filing dilatory measures. Everybody was on task. The queue had over 15 people in it. And the only deliberative body in this state has chosen not even to devote two hours of discussion to our unique aspects in form of government, which, by the way, you all took an oath to uphold in running and serving in a nonpartisan Unicameral Legislature, whose-- one of its hallmarks is to ensure nonpartisanship by design, in leadership contests and otherwise. So the record is clear on that, as are your votes in that regard. And I think that speaks for itself and is disappointing. Nevertheless, colleagues, I fully support and share your values when it comes to openness in government and transparency. And I don't need anyone on this floor otherwise to impugn my character about how I go about my service in that regard. I am proud and happy to share with anyone who seeks my vote for a leadership position how I will cast my vote. And I have an opportunity to do that through secret ballot to guard against factions, to ensure collegiality, to ensure nonpartisanship, as our rules have always afforded our ability to do so. And no other member should have the right to tell me how to do my job as a state senator, because that's up to my constituents, not you. If you choose to follow the leadership of moneyed interests and partisan interests and failed political candidates that seek to divide us with measures like this, that's your choice. But you don't need to change the rules, except for to show that you're following those interests as an accountability measure. You can take a ballot selfie. You can give a nomination or a support speech. You can ask for a point of personal privilege and announce your vote to everyone, as Senator Hudkins [PHONETIC] did years ago. You have plenty of remedies available to you to show how you're

casting your vote. You have not sought them, and you're not interested in seeking them now because you're interested in undermining the institution that you took an oath to serve and you're more interested in showing party bosses and moneyed interests where your allegiances are. And they should be with the vote of the people. With that, Mr. President, I would ask for a favorable vote in regards to the motion to recommit to committee. Thank you.

KELLY: Thank you, Senator Conrad. Members, the question is the motion to recommit to committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 28 nays, Mr. President, to recommit to committee.

KELLY: The motion fails. I raise the call. Mr. Clerk, next item.

CLERK: Mr. President, Senator Conrad would move to reconsider the vote just taken on the recommit motion.

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

CONRAD: Thank you, Mr. President. And again, good afternoon, colleagues. I was actually really looking forward to today's rules debate because I knew that we were going to have an opportunity to take up a measure of great importance to each member of this body and to members of the public who are watching very carefully how we conduct ourselves in regards to this debate and the results and outcome. And I find it incredibly sad that less than two hours into our most important debate of the session thus far, the majority of the body has saw fit to limit debate, including with many members who share your point of view who are in the queue and had yet an opportunity to even speak or weigh in, utilizing their talents, their experience, their perspectives, sharing voice from their district. And I think that's a disservice to the debate and to the institution. But it also goes to show what we already know to be true. If the majority of this body is hell-bent on undermining the nonpartisan Unicameral Legislature, you have the ability to do so, and you're going to do so. But that's not even good enough anymore, to undermine our traditions, to undermine our power, to undermine our independence, to win at all costs. There was a lot of big talk over the summer and in the news leading up to this legislative session about, we're going to go 60 days to show folks that we disagree with how we're going to rewrite the Rule Book. Well, you didn't even last two hours. You couldn't even respond to the thoughtful ideas that were brought forward that may

have disagreed with your own. There was no dialogue. There was no deliberation. And you couldn't even be bothered to allow people who disagree with your perspective to have a voice, to let Nebraskans know that we don't speak with one voice on these issues, that we have the ability to stand witness, that we can and we should take up tough issues through thoughtful deliberation and debate and stay in relationship with each other during that opportunity, which I am pleased to do. Nothing has changed my warm feelings for each of my colleagues, and I'm grateful for their sacrifice and service in being here. But as a 10-member led-- member of this institution, with only my friend Senator Aguilar having more seniority than myself, I can tell you that this is not in line with our proud political traditions, to askew different points of view, to stymie debate, to utilize the tyranny of the majority to change the unique features and hallmarks of this proud institution which has stood the test of time for almost 90 years against partisan and moneyed interests who seek to take it down at every turn. I think it's helpful to hear all perspectives. I was eager to hear more ideas from more colleagues about how they were viewing this proposal. But you couldn't even stand debate for two hours on what you claim to be and I agree to be one of the most important issues that we've taken up this far. That's at a disservice to the debate, to the institution, to the public, and to each other. I wasn't planning to file a motion to reconsider until I saw how that shameful behavior was playing out. And now we will take more time to talk more about this very important issue. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I stand in opposition to the motion to reconsider that vote. And I believe calling the question was proper because people were not discussing the recommit motion. They were discussing the rule. The recommit motion had been discussed almost hardly any. And if we want to discuss the rule, we should get to the rule on the board. The proposal on the board was recommit to committee. And-- so regarding the reconsider motion, I oppose it. And the, the reason is because I want to get to a vote on the rule because we senators don't just represent our own interests when we vote. We are representing about 40,000 people in our districts when we vote. Our constituents can see how we vote on all other issues. The people deserve to see how we represented them when we cast their vote for leadership in the Legislature, like we cast their vote for bills and resolutions. So I would like to get to a vote on this rule, and I

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oppose a reconsider motion. I yield the rest of my time to Senator Erdman.

KELLY: Senator Erdman, you have 3 minutes, 23 seconds.

ERDMAN: Thank you. Thank you, Mr. President. Thank you, Senator Clements, I appreciate that. Senator Conrad has the opinion that what we say here on the floor changes someone's mind. There is probably not a person in this room that has listened to the debate on this issue and have changed their mind. When I came in '17, Senator Hughes counseled me one day and he said, I want you to understand something. All the rhetoric that goes on the floor probably doesn't change anybody's mind. So a lot of times, Senator Hughes said, I don't get involved because I realize it's not going to change anybody. So I would say, if I had a show of hands and asked them to say-- to raise their hand that they've changed their mind because of something Senator Conrad or myself or anyone else said, there would not be a hand go up. So we've had full and fair debate at two hours because everybody already knows how they're going to vote. So the issue that we have to deal with is that the constitution mean every vote needs to be open and public. That's what it says. The constitution in, in Article III says all votes shall be viva voce-- vo-- voce, which just means open voting or in-person or voice voting. Now, the Supreme Court has ruled that if you vote on the board, that is considered open voting. They have not ruled on the secret ballot. So in George Norris's petition that he put together to start the Unicameral, it says that one senator can recall-- can call for a voice vote. One. So the comment was made earlier why no one raised a finger, was the quote, when we elected Senator Aguilar and Lowe at the beginning of this session. I had decided to do that. I was going to do that. And I spoke with Senator Wayne, and I asked him this question: if I do that, will I be perceived as to wasting time like other people do?

KELLY: One minute.

ERDMAN: And he said, probably you will. So I chose not to because I wanted to try to start this session on the right foot, trying to get along, trying to be congenial, trying to be collegial, and all those things. So I didn't do it. But I can tell you right now, if this rule does not pass, I recommend to anybody that comes here in '25 through those doors on the first day, right after they put up a motion to elect a Chairperson, you make the motion for a roll call vote. Make the motion for a roll call vote because it has never been tried in any court that says that secret vote is considered an open vote. That's

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the question that we're have to answer. It's not how Senator Conrad feels and how she feels disenfranchised because she didn't get to talk for 45 minutes. OK. None of that. It's about, what does it mean? What does the constitution mean? And, of course, the thing is a living document. You know, it changes as time goes by. Thank you.

KELLY: Thank you, Senator Erdsm-- Erdman and Clements. Senator Han-- Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. Well, I like to-- I'd like to first mention that I'm not in favor of the reconsider-- of the vote and the recommit to committee by Senator Conrad. I kind of get where she's coming from. She's fighting the good fight on her-- from her opinion. I would disagree on quite a few things that she said that I'm not going to get too much into, but when she starts talking about the tyranny of the majority, just because we're actually, you know, using the rules as appropriately as they are written and we feel like the conversation should move on. And Senator Clements even brought up that we're not even discussing the recommit. And so I think it's an appropriate time to bring that up. I remember one time when I first called the question, I think on one of the first rule changes, I even-- we even discussed with Senator Conrad to see if it's OK we get things moving on. And she agreed, and that was under two hours. But now for some reason on this, it's the end of the world, so. I think it is the appropriate time to use the-- to, to call the question and get things moving along here. So anyway, back to the underlying rule change. And I do appreciate Senator Erdman for bringing this. This is probably one of the biggest rule changes that have been brought to my attention by my constituents. I know sometimes we have me and some of our districts' constituents, you know, may not mention this to us very much because it's not as important to them, whereas some of the rule changes might be. But in my district, I probably had the most emails, the most correspondence, talks around the water cooler. Some of my patients bring this up to me about how we're going to be bringing up open ballots and where my vote is at and how they're in favor of it. I think from a voter, a constituent perspective-- and I don't think we're sometimes gives the people in Nebraska enough credit that they do understand what's going on here in the Legislature, how things work, how we vote, what it means when we vote for a committee Chair or not. I think a lot of them understand that. I think sometimes we're-- sometimes get so introspective in our little bubble here that we only think it's what we think. But I know voters know who I vote for in committee Chairs. And they know-- they're philosophically aligned with maybe another committee Chair that I might be or I might not be, and

it's my job to explain to them why I didn't. It's also, I feel, my job as a colleague of somebody running for a Chair to either tell them yes or no. I've had to do it with some of my-- some of my other colleagues here on the floor who are more, you know, who might have an R or D behind their name. But again, that's the great thing about the nonpartisan perspective of the Legislature, is that we don't have R or D's behind our name when we run for a committee Chair. So I like the idea, and I think so do my constituents, of knowing where my vote goes for a committee Chair because they want to know-- they have certain perspectives of where the state of Nebraska should go. And sometimes, because the power of a committee Chair, that determines where their interests lie as well. So I think it, I think it is just fine that we let the people know where we are at. And I have no problem sharing that with, with anybody who asks me. But even sometimes not in my district, they want to know where I'm at. So-- and I think that does kind of cut down on some animosity that we sometimes see on the legislative floor about who didn't vote for me and who did. Unfortunately, that's just the way-- I think Senator Hunt brought it up-- it's just unfortunate sometimes that happens-- when it comes to sharing or not sharing your opinion about somebody. So I won't [INAUDIBLE] the subject too much longer, so I'd just like to say that I'm in favor of this rule change, and I encourage my colleagues to vote green on the underlying rule. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. 12 people were in the queue when the question was called: 8 Republicans and 4 Democrats. So the fact that people weren't talking about the motion to recommit-- well, there were 12 people that weren't given an opportunity to talk about it or not talk about it. I stand in support of Senator Conrad's motion to reconsider the motion to recommit to committee. There you go. I've talked about it. Now I can spend the remainder of my time on the microphone talking about the rule itself, which is oftentimes the practice-- when we are on a bill or an amendment, people don't necessarily speak to the specific item at the bottom of the board. They speci-- might speak to any item on the board, and I choose with my time to speak to the rule itself. This rule purports transparency in how we govern. Transparency for the people of Nebraska. Yet in the past 10 days, several of my colleagues have introduced significant numbers of legislation that seek to erode the transparency of this state. LB1417 is just one example. And I haven't gotten my whole way through it because it's got a lot in it. But if you go to page 22 of

this 101-page document, you will see on line 9 that it eliminates the Foster Care Advisory Committee beginning in 2025. And not only does it do that, but it takes on page 23, line 24, it starts-- and it goes over to the next page-- the Nebraska Child Abuse Prevention Fund Board is eliminated also in 2025. And the funds of that board go to DHHS to distribute. And I'm sure they will do it all in draft form so that they can't be FOIAed. We should be critically concerned about the concerted, targeted effort of this administration, in collaboration with some of my colleagues, to erode the transparency of this government instead of fighting over whether or not you want to tell your friends who you voted for. Tell whoever you want who you voted for. Protect the institution. I did not vote for myself when I ran against Senator Aguilar. I voted for no one. I voted for Senator McKinney for Vice Chair. We have a disproportionate number of people from the 3rd Congressional District on the Executive Board. Our largest populations are underrepresented on the Executive Board. There you go. Easy peasy lemon squeezy. You all can do it too. You all can take your turn on the mic and you can say who you voted for what. It doesn't have to be forced. If you believe this in your heart and soul, then just do it. And Senator Erdman, if you really, truly believed in this, you would have stood up and you would have made that motion when I ran against Senator Aguilar. Wasting time. Doing our jobs is not wasting time. If this is what you truly believed in, then you should have been brave enough--

KELLY: One minute.

M. CAVANAUGH: --to be viewed as wasting time. But this, this is wasting time. You submitted a rule mid-biennium that won't even take effect until you are gone from this body. You had a public hearing and now we have had a week of debate on rules. That is wasting time. Period. And if you think that people view the time being wasted this week as it's those that are fighting back-- no. Everyone knows that none of us would be talking about this if you hadn't introduced these rules. You are wasting the time. You are wasting our time. You are wasting the people's time. You are wasting the time that we could be working on things like feeding children. You are the one who is wasting time. And I am sorry, colleagues, if you're bored. This is our job.

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

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HOLDCROFT: Thank you, Mr. President. And I rise in opposition to the reconsideration and the recommit and in favor of the rule change. And my comments are about the rule change. Honor, courage, commitment. These are the core values of the United States Navy: honor, courage, commitment. I lived under these core values while in the Navy and I try to live under them today. A secret ballot is not-- is inconsistent to these core values. Let me tell you why. First, honor. And these are quotations from the Navy's website. Honor: I am accountable for my professional and personal behavior. I will be mindful of the privilege I have to serve my fellow Americans. How can one be accountable with a secret ballot? Courage: The value that gives me the moral and mental strength to do what is right with confidence and resolution even in face of temptation and adversity. Adversity. Like intimidation and coercion. Bring it on. Commitment: The day-to-day duty of every man and woman in the Department of the Navy to join as a team to improve the quality of our work, our people, and ourselves. Teams are not built with secret ballots. Honor, courage, commitment. Because of these core values, I cannot support a secret ballot. And I support this rule change. Thank you, Mr. President.

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

HARDIN: Thank you, Mr. President. I rise in opposition to the reconsider as well as to the recommit. And I support Rule Change 3. I simply want to point out that the people in Banner County, Kimball County, Scotts Bluff County who have contacted me and been texting me throughout the day today are deeply concerned about any kind of a secret ballot that takes place. Regardless of what we think about it from one another in here, people way out west essentially look at it and say, why on earth would we have secret ballots? This makes no sense to us. They're listening to the arguments, and I think that we have a responsibility to them first. We have a responsibility to them before we begin to invoke things about the institution, before we begin to invoke traditions and, and other kinds of things. The people back there are looking at and saying, wait a minute. There's a disconnect. We expect that kind of transparency among ourselves and that kind of integrity. How come you aren't doing the same thing in your committee votes and so on and so forth? I think we owe it to the people back home to be very open and accountable with what we're doing. And, Senator Erdman, would you like more time? I'd yield the rest of my time to you if you can use it.

KELLY: Senator Erdman, you have 3 minutes, 30 seconds.

ERDMAN: Thank you, Mr. President. And thank you, Senator Hardin. I appreciate that. Senator Cavanaugh correctly stated that some of these rule changes I will not be affected by. I get that. And as I said a week ago or so when we started this, some have ask, why are you so concerned about the rules that you will never be able to use or that will affect you? Well, Senator Cavanaugh, the answer is I took this oath to do this job, and I plan on doing it until the 60th day serving here and then until the 1st of January or the 5th of January in '25. I don't plan on giving up. I don't plan on changing my commitment because I'm a lame duck or going to be termed out. What I intended to do by rewriting the rules as we did-- I spent hundreds of hours doing that-- was to make lives better, debate better, the way we pass laws better in this legislative body; when I leave, to leave it in a better position than it was when I came. This body is more divided today than it ever has been. This body is now proving that the nonpartisan designation is on paper only. There is no such thing as nonpartisan. And 20 years ago or longer, when my son served here, it wasn't as it is today. And people say, well, what has happened? Well, what has happened is we have become a divided nation. And we've become divided for this reason. We continue to call attention to the differences we have as Americans. We may have different colored skin. We may have come from a different location on the planet, but we're all Americans now. And that used to be something that brought us together. Today, we're talking about diversion and inclusion and diversity and all of those things that have divided us.

KELLY: One minute.

ERDMAN: And when I was growing up, I had a lot of friends that had different colored skin. They were my friends. I didn't look at them as being something different. They were Americans. They were my friends. So what we have today is a division in the country that is showing itself here. And what we're trying to do is pass commonsense rules that everybody can abide by and the minority can be protected and the majority can have somewhat of control because we don't have any now because the minority has the authority. But remember, common sense is a flower that doesn't grow in everybody's garden. Thank you.

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

LINEHAN: Thank you, Mr. President. Good afternoon, colleagues. So I rise-- I'm against the motion to reconsider, and I support the underlying amendment. I am not-- I don't want to raise the temperature

at all in the room. I, I do believe-- and Senator von Gillern mentioned this. I've told him. My first year here, we had elections the first day. In that class, one member of the class lost-- well, it was a class behind, I guess-- lost the speakership by-- I don't remember-- two or three votes. Yet that hung over until those people left because somebody lied to somebody. And it seems like every cycle, except maybe the last time we came back this time, that happened. Somebody was misinformed about how somebody was going to vote. Now, Senator DeBoer talked about Senator Lindstrom and my election. I think I had two more votes than Senator Lindstrom. I didn't know I had 25 when I came to the floor. I didn't have 25 when I came to the floor and neither did he. Because there were two or three people that had told both of us they didn't know, and it turned out they didn't. So that, that I think-- well, I give most of the credit to Senator Lindstrom. He never was angry. He didn't pout. He stayed on the committee and he was one of my best committee members. But in other cases, we never, we never moved past that. We never moved past the anger. And I also find it kind of ironic because, as Senator Conrad said and I think Senator Fredrickson said, maybe others, they, they tell people how they vote. I tell people how I vote. I would say 75% to 80% of the people in the body are real forthright and honest about how they vote. But you get five or six people-- and, and the other thing that's ironic-- and I'm sure I'm hitting on some rail I'm not supposed to politically, but, you all know after the bills I've introduced the last five days, I'm not running for anything ever again, so. I could hit on a lot of rails now. This editorial by former senators, I just find it kind of humorous because the vast majority of them are from the Republican Party. And they're the ones that want to hide it. It's actually not the Democrats that are afraid. They're-- from my experience, the people that I've worked with here, I've always-- Patty Pansing Brooks, good friend. I remember explicitly she-- telling me she was going to vote for something once, and I'm like, Patty, you can't do that. Wayne, Just-- Justin-- Senator Wayne and I vote differently 90% of the time, but he's one of my best friends. This secret ballot creates distrust amongst the 49, and it's used almost extensively by people who run as Republicans, say they're Republican, tell people they're going to vote certain ways, and come here and don't do that. That's who uses this. It's not Democrats. And, and that's why I just find this whole thing ironic. I-- when Senator Conrad stands up, I bet she always told people how she was going to vote. It's kind of her personality. She's not shy. I don't think Senator Cavanaugh would mislead anybody. And I do think sometimes

people don't know. And I'm not going to out the people that told me after they voted for me that they did decide that morning.

KELLY: One minute.

LINEHAN: But I-- really in my heart-- and I understand. I'm not judging anybody how you vote. But I really in my heart thinks it's very bad when the first day of a new Legislature, four or five people walk out of here thinking they can't trust anybody in the body. That's what I am for open vote. Thank you, Mr. President.

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

ERDMAN: Thank you again. I appreciate that. And, Linehan-- Senator Linehan, I appreciate what you had to say there. We've had several instances like Senator Linehan had described. And when we were in a Rules Committee meeting, one of our committee people had a similar situation where they had a number of votes that they had calculated and they didn't get the number they thought they were going to. And they figured out who it was that didn't vote for them. But it was a situation where you have to try to decide or try to figure out who it is. And I thought that Senator Holdcroft spoke eloquently about what it means to be trustworthy. And that's what this is all about. We have had numerous times since I've been here, in, in the seven years I've been here, that folks had had 28, 27, 28 commitments and wind up with 24 and spend significant amount of time trying to figure out who the 4 were that changed their mind. If they had open voting, you'd know exactly who changed their mind. They would have to come and face you and say, here's why I changed my mind. Then you would know. And maybe they had a reason that was valid. This last election cycle, I had a person call and ask for my vote-- and that person happened to be a Republican-- and I said, I will not vote for you and here's the reason why. And they accepted that. They said, I understand. So I think that's the way to head up your conversation with someone who you're either going to vote for or not vote for. Just be honest with them. Let them know upfront. And as I alluded to earlier, we've had people here in this body that, even if you got them to sign a document on their own letterhead, would try to renege on what they said. That is an issue that open voting would solve, is that people would know exactly if they're people of their word or not. Because, you see, all we have is our word. And if your word doesn't mean nothing, that's a very sad position to be in. And so what we're asking today is help us keep each other honest so that we can be trusted. And so I would

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encourage you to vote against the reconsider motion and to adopt Rule 3. Thank you.

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

HALLORAN: Thank you, Mr. President. I've learned a lot here today, and it's kind of in conflict with what I have learned all my life about, as been said many times, about keeping your word, creating trust. If you don't have that, you don't have anything. But on this floor, I guess I've been being taught by some people that secrecy is better than transparency. I guess I have probably wasted my-- not wasted, but I have learned that I should have conducted my married life just a little bit different. You know, from what I've heard on the floor, secrets are OK. It breeds trust. Well, if I had known that in my, in my lifetime of marriage, I would have maybe better-- been better off having kept more secrets. I know some people are laughing at that, and they should. And I hope my-- if my wife's watching: honey, I haven't kept any secrets from you. But that being said, I mean-- on the floor, there's been some things said I have to challenge just a little bit. It's been mentioned on the floor that there's a difference between a ballot and a bill. A bill is a public thing, right? We're talking about an issue. And a ballot-- well, voting between one person or another, that's a, that's a private thing. Well, I have news for everybody here. You're all doing public service. There's nothing private about our lives when we're conducting business in this body. I had earlier passed around-- and I wish the folks at home had it in front of them so they could see it-- a document that was drafted by George Norris, the father of the Unicameral. And it was language drafted by him that created the Unicameral, its initiative petition language. And it passed in 1937. I had a senator come up to me and said, Senator, did this pass? Yes, it did. 1937, George Norris drafted this language, and it passed initiative petition, and we became a Unicameral, a nonpartisan Unicameral. And oh, by the way, I used to have a friend-- bless his heart-- who wasn't maybe the most stable person in the world. And he had a cat. And he kept referring to that cat as a dog. Over and over and over again, he referred to that cat as a dog. And I said, Joe, that cat's not a dog. And you can call that cat a dog all you want, and it doesn't make it a dog. So the same argument can be made about partisan and nonpartisan. We can claim that this is a nonpartisan body, but the fact of the matter is it's a cat. It's a partisan body. People that elect us know who we are based upon our platform and what we say we're going to do and not do if we're elected. And it's pretty evident to them whether we're one party or

the other. It's no secret. And they elect us based on that platform. And here we are. And there's an expectation once we get here we're supposed to forget our principles that we got elected on and cast fate to the wind and tell our voters back home, sorry. I fooled you. Fool me once. Fool you twice. I must have fooled you. And that happens in some elections. Didn't happen in mine. My constituents knew who they were voting for. And like so many people here have said, I'm getting texts from people back home saying, what are you talking about? Why is this an issue? Why is there anything secrecy-- in secret in the Legislature? And I have no trouble--

KELLY: One minute.

HALLORAN: --no trouble telling them why it is. It's tradition. Well, if you read this initiative that I passed around-- it's highlighted in pink. In the initiative, says the request from any one member to be sufficient to secure a roll call on any question. George Norris, if he was anything, he was Mr. Transparent. He pushed for a one-house system because he found flaws in a two-house system. I would argue against some of his argument. But he found arguments in a two-house system that there wasn't transparency. And yet here we are, 80-plus years later, extolling George Norris as the founder of the Unicameral but flying in the face of what he was asking for: transparency. We'll have some people vote to continue to have the secret ballot. I'm against the recommit to committee and the reconsider motion and--

KELLY: That's your time.

HALLORAN: --I encourage voting for Rule 3. Thank you.

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

HUGHES: Thank you, Mr. President. I rise to share with my colleagues some words that were shared on this floor several years ago on this very rule. This is someone we know, all know. Here are his words. I didn't anticipate speaking this early in on the session, but I am 100% opposed to Senator Halloran's rule proposal. And I think if you're going to consider it, let's understand what we're doing here. This proposal is less about transparency and it is absolutely about dismantling this Unicameral, in my opinion. Every action has a reaction. Every single action we take here has a reaction. Sure, you start with public votes for leadership. The forces of partisanship, which were rejected by the voters in 1934, are back. Suddenly you have

a minority and you have a majority. Suddenly you have a majority leader and you have a minority leader. And guess what, fellow Republicans? All of the Democrats then get together because they aren't on committees anymore. Steve Lathrop's not walking up the stairs with a plan to fix Corrections. He's walking up the stairs to see how many bombs he can throw so that all the rest of the Republicans don't get what they need this year. And suddenly the Republicans start having the same deal. I am a brand new state senator. I come from Norfolk. There's a majority leader. There's a whip. There's everything else. Do I have the chance to fix problems at my regional center on day one? No, I do not. I have to go through a leadership chain. And you're right, Senator Wayne, the Speaker's position-- position has gotten more powerful, and the power of the individual is eroded with something like this. Public votes to contribute to more of a hyperpartisan approach that dismisses the minority. I mentioned it briefly. Senator Bostar comes to work. He's already the only Democrat on the entire Revenue Committee. He made somebody mad. He ended up on both of the most Republican committees in the place, but that becomes the norm for everybody. And trust me, I've seen this play out before. I'm a Republican. You know, if I do the math, it works out great. But what happens when it's not about Republicans or Democrats anymore? It's about urban and rural. Rural loses two more seats this year. Suddenly, the urban senators decide we're absolutely not going to send one dime to Norfolk or Madison. They organize. Everything has a reaction. You do this, there's going to be a reaction. Do the math. The math is never going to be on your side because it's always going to turn. In 20 years, this place could be full of Democrats and we'll be on the other side and we'll rule-- rule the day that we did this. The other thing that I want to talk about is what's the most honest? What is the most honest, being elected by your colleagues on a secret ballot or being elected on a public ballot? If we want to elect the best people, the best people to run the committees, you have to be willing to have a secret ballot and, in most cases, transparency. I get it. It's a great argument. It's very much in favor of the folks that want this rule change. But let's step back for a second. If this were a bicameral-- absolutely. But we did not inherit a bicameral. We inherited a Unicameral. And if it's going to work the way it was intended, you cannot do things like this. And a lot of people stood up on the first day and asked for my vote as a committee Chair. And I took great notes. And the things they said that they were for: I'm for the institution. I'm for making this place run. I'm going to protect the institution against all foes. They stood up and they grabbed what everybody wanted to say. This is the

Unicameral, and we're going to make it keep working. But if you vote today to go the other way, you're not voting for the institution. You're voting to change this to something that's partisan. You're voting to change this to a majority and a minority. And people like me that have discounted ideas on an issue suddenly don't get to speak. It falls apart. And I know Senator Groene and I are going to be on opposite sides of this issue, and I want to explore and understand Senator Halloran's references to Article III in the state constitution as it relates to public votes. I think that something that counts may weigh in before we do, but it's going to be an interesting discussion. But I'm saying I'm representing-- or, I'm presenting on behalf of the people of Madison and Stanton County. I say, no. I think this is a bad idea. And if we want to go down this road and you vote for it and it passes, things will change and not for the better. And wait for the day that you're not in the majority.

KELLY: One minute.

HUGHES: And wait for the day-- thank you, Mr. President-- that you're in rural Nebraska and you lose again because we are losing people, we are losing seats, and we will lose funding. Colleagues, this was then-Senator Mike Flood's-- now U.S. Congressman's-- words on January 21, 2021 on this very rule change. Please take time to consider the impact of this rule change-- not on what it will do today or tomorrow, but down the road when things change. Thank you, Mr. President.

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

VARGAS: Thank you very much, President. Realizing that I'm following Senator Conrad. And she writes her notes on, on--

CONRAD: Backs of envelopes.

VARGAS: On the back of envelopes. I'm going to get you a notepad. So, thank you very much to, to Senator Hughes for, for those words. As I've been listening, there's a couple things that come to mind. One, I, I stand, I stand in support of the recommit to committee motion and stand in opposition to the underlying rule. And I, I want to say it's not because my opinions don't change. I think we can all have different opinions on this. I know, I know Senator Erdman said that our minds don't change, but I think that they can. Maybe they don't for most people or the overwhelming majority of people, they don't change, but it might be that some people, when they're deciding who

they're going to vote for for leadership, might change their minds in the midst of speeches, in the midst of the different candidates that are announcing. Not everybody's announced right beforehand, which means that sometimes people may change their minds. It just may not be Senator Erdman, and that might be OK if he doesn't decide to change his mind. But I think that this concept, at least for me personally, about this is inherently more about culture and also about what is working best, not what's right or wrong. If we lead this conversation with what's right or wrong, my biggest concern is we, we sort of look down on what the body has done for a significant amount of time. And, you know, there's people that are on this, on this local view-- obviously, Senator Hadley and Senator Adams-- you know, former Speakers-- but there's other individuals that I know that I've served with-- Senator Kolterman, Senator Stinner, and Senator Hilkemann and others. That's what I was used to in terms of individuals that I'd served with that are no longer here right now-- Senator Lindstrom as well. But I know that if this is about what's right or wrong, we, we sort of lose a little bit of the momentum of the conversation because the rules have instilled this nonpartisan Legislature-- and it has clearly worked for a Republican majority in terms of affiliation of senators in this body for decades. So the question of whether or not this is right or wrong in terms of transparency or truth or trust, the bigger question I ask is, if this worked for transparency, trust, relationships for the majority of members for decades, is the problem or the issue more with that they were more wrong or that we really need to be much more mindful of the decisions we're making and how it's going to affect, not traditions for me, but the culture of the nonpartisan Legislature? It leans me the more the answer has to do with the culture of the nonpartisan Legislature. Because if the party system continues to make its way into influencing people's decisions-- and I agree with what some people said. We do have party affiliations. It's not the only thing that defines us-- at least, I don't believe it's the only thing that defines me. I can't speak for everyone. But I could say, for the majority of people that I've talked to, it's not the only thing that defines them. And for different people, it may define them more than others. Their identity might be more aligned with--

DORN: One minute.

VARGAS: --their party affiliation. But I think it is clear to say that preserving these relationships does go hand in hand with working together and having a productive session, not whether or not this rule is changed. If that-- accept that premise, that means that there were

not good working relationships for decades prior to this. For the majority of people, this enabled the nonpartisan Legislature to be able to select internal leadership positions. And they've maintain this process for decades because it was the best both for the state, for the Legislature and the body, not for parties, not for other state legislatures, but for us. And I know we can debate individually whether or not we agree it is transparent or not transparent, it makes relationships worse or better, but I think there's something to say about that this has led to a majority of people not wanting to change this rule for the sake of the nonpartisan body of the Legislature.

DORN: Time.

VARGAS: Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. I rise in support of the reconsideration motion and the motion to recommit. I support the reconsideration because I just assume everybody's going to change their vote after they hear what I have to say because I didn't get to talk when-- before, when we supposedly had full and fair debate. I've been in the queue waiting the whole time. So-- and I would echo Senator Conrad's comments about such a serious and consequential issue to the integrity of this body requires, you know, more deliberation and conversation, and people who want to be part of the conversation should be allowed to do that. And, you know, some folks just want to get things done, go real fast, get, get their way-- push, bully, cajole to get their way. And that's kind of the reason for this rule, right? I know there are folks who are saying, well, you can't bully me. I'll always tell you how I'm going to vote. That's not the point, right? The point of a secret ballot is not about preserving what it is you want, whether you want to keep your vote secret or whether you are going to stick to your word. It's about the body as a whole. It's about the future. It's about those folks who, as-- in Senator Linehan's example, who said they didn't know who they're going to vote for. And then when the rubber met the road, they did have to choose. And they did vote, but they still-- they were able to preserve their relationship with Senator Lindstrom because they didn't publicly vote against him when he lost-- although, you can maybe surmise if Senator Linehan won by two votes and there were three undecided votes at that point. But nonetheless, it's about those other incidences, those other

times. It's not about somebody changing their mind or going against their word. And I would say to the folks who say we need to-- to preserve our own honor and integrity, we need to make a public vote. And I guess to that I would say, when you are forced to do something, that is not a demonstration of your honorableness. The honorable thing to do is to do what you said you were going to do and not get credit for it, not get accolades, or to make the right decision despite what others might want you to do. Senator Linehan said the quiet part out loud. We need to make this rule change so that we can force Republicans to vote for Republicans. And you don't need me to tell you, like everyone else has told you, that that would inherently destroy the nonpartisan nature of this body. Mike Flood's speech that Senator Hughes read is-- was a wonderful speech that-- he was exactly right about what will happen if we did this. So we did inherit a nonpartisan Unicameral body, and we struggle to maintain it in the current political climate we have. But we continue to maintain it. And that we have to preserve those institutional parts that allow us to maintain that nonpartisan body. I would say too-- I think it was Senator Halloran who mentioned George W. Norris and his desire to get away from secrecy. I would encourage you to read Senator Norris's book, where he talks about his disdain for the bicameral federal Congress and the secrecy of the conference committee, which is-- was his problem, that people could hide their votes behind the conference committee and jam things into bills. I think that's a much more apt point--

KELLY: One minute.

J. CAVANAUGH: --for a conversation about excluding the media from the Executive Sessions. Because George Norris's concern was not about how we elected our committee Chairs or how committee Chairs were necessarily elected in federal Congress-- although, I would tell you he also did have a problem with the partisan bosses telling people who was going to be committee Chair and who was next in line, which is what you run the risk of doing by adopting this rule. But he was concerned with people hiding behind the-- hiding their policy decisions and hiding their votes on laws behind that. And that is what is this-- the attempt to-- in the hiding of Executive Sessions from the media. People who say, you can't have that conversation; you need to have the closed doors so you can have a candid conversation-- they're trying to hide their opinion from you. And that's an opinion on the very--

KELLY: That's your time, Senator.

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J. CAVANAUGH: Thank you. I didn't get my minute, Mr. Lieutenant Governor. But thank you.

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

KAUTH: Thank you, Mr. President. First, I'd like to say I rise in opposition to the recommit and reconsider and in full support of the amendment. I'm a little surprised when I hear people talking about how we have to maintain the nonpartisanship of the body and, and really make sure the Legislature doesn't change. Last year clearly illustrated how partisan this body truly is. And I heard more times-- probably once a day-- this has never happened before. So I'm, I'm a little confused by the hypocrisy of that. But I rise in support of this amendment because we are adults who are here to hold different-- difficult conversations and make difficult decisions. We need to be able to tell someone honestly why we do or do not support their candidacy for a Chair. And if we lose, we need to be adult enough to accept gracefully and commit to do the work. I have also heard many senators talking about the need for transparency. Let's start with us. The reasoning that factions will form if we have transparency regarding voting is flawed. Those factions are already well-established, and there's very active partisanship on both sides. But knowing that and acknowledging each other's point of view actually builds more trust and respect. And there are plenty of senators here who I disagree with, who disagree with me, but we find commonalities to work on. We build on the fact that we trust each other enough to say the truth. Are your relationships so fragile that they cannot withstand disagreement and disappointment? And how do we know that it's the best? Have we actually tried it? Again, we're standing on something that has been tradition for a very long time, and we're in a much different place. Thank you. I yield my time.

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

RAYBOULD: Thank you, Mr. President. I want to continue my support of the reconsideration and the recommit to committee. You know what I love? We have this pamphlet that we hand to visitors who visit the Capitol. It's called "One House in Brief." And I love the bullet points. I'll just run through them really quick. But they talk about we are elected in nonpartisan elections, the beauty of the Unicameral, its small size, and the structure, the legislative rules. It emphasizes problem solving, not scoring political points. It keeps the people, not the parties, at the center of policy. It makes the

senators more equal and independent. It leads to more thoughtful, reasonable policy. It makes the process more accept-- accessible to all Nebraskans. And this is the one I want to hit on. It assures that minority interests and-- are not flattened by an overzealous majority. In keeping with the principles of democratic government in the United States, the nonpartisan Legislature recognizes that, even when a majority supports one point of view, the minority and its views must be part of the problem-solving process. And I just want to quote a couple things from Charlyne Berens, PhD. She presented the beauty of our Unicameral to the freshmen senators when we, we just came on board. Charlyne Berens, PhD. She wrote One House, Power to the People, and she also wrote the definitive rule on, on Senator Warner. And this is what she said: Regarding claims that electing committee Chairs by written ballot decreases transparency-- remember, life is full of trade-offs between two things we value. In this case, the transparency afforded by a roll call vote for legislative leaders must be balanced against the damage such action would cause to nonpartisanship. She goes on to say: In today's increasingly polarized world, we should continue to foster our unique institutional structure, not because George Norris was some sort of all-knowing god and not because we've always done it this way. No. The Unicameral should remain a nonpartisan institution because it works here in Nebraska for Nebraskans. And at this time, I would like to yield the rest of my time to Senator Conrad.

KELLY: Thank you, Senator Raybould. Senator Conrad, you have 2 minutes, 9 seconds.

CONRAD: Great. Thank you so much, Senator Raybould. Thank you so much, Mr. President. Colleagues, just a few points here. And I'm hopefully going to be able to get through them very quickly. If not, I'm next in the queue and we'll finish up. But number one, I have mentioned our proud tradition of open government in Nebraska that's effectuated through our open records-- public records law and open meetings law. If you turn your statute books to 84-1409, you can see the terms for our Open Meetings Act. And they apply broadly to basically every public body in the state of Nebraska-- your NRDs, your school boards, your city councils, your county boards. The list goes on and on and on and on and on. Additionally, if you turn to 84-1413(3), you will read: The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes, which mirrors the rules and the prerogative of the Nebraska Legislature in regards to leadership votes.

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KELLY: One minute.

CONRAD: Thank you, Mr. President. So it, it goes to show you that it's not an end all and be all to say transparency. You have to also balance that against nonpartisanship in our instance and relationships writ large. So that's not where the conversation ends. And I share my colleagues' passion for transparency and engagement, but they conveniently leave out the other components that come with secret leadership votes in this body and in all other governing bodies in Nebraska. So the other thing that I want to let folks know is that this has not yet perhaps been injected into the record, and I want to make sure it does not go unnoticed, even though this is a perennial issue, this issue about how we conduct leadership votes in the Nebraska Legislature has received--

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President. And I believe I'm next in the queue.

KELLY: You are.

CONRAD: Thank you, Mr. President. This issue of how we conduct leadership votes has received renewed attention in recent years by very, very wealthy partisan actors who seek to divide us and seek to peddle their influence in this body. And I will let people know there's been a lot of loose talk about the way we conduct legislative leadership votes is somehow unconstitutional or illegal. If that were true, people would be running to the Attorney General and asking for an opinion. If that were true, people would be running to the courts and asking them for resolution of those serious allegations. But they're not. The people who are pushing for this renewed attempt to divide us and undermine the nonpartisan Unicameral Legislature and their supporters in this body have not run to the courts, have not run to the Attorney General, but have formed up a PAC that doles out donations. That's a fact. It's widely publicized about the context for this debate. And it's the very warning that our founders had against faction. It's the very warning that George Norris and the people of Nebraska had against moneyed interest buying influence and peddling influence to this nonpartisan Legislature which is independent, which is one house, which is small by design, which has more transparency than any institution in our sister states or the federal government, with each bill being afforded a hearing, with no secret conference committee, with all votes being on the record. And if members wish to telegraph how they're casting their votes, they can do it without

changing the rules. They can take a ballot selfie. They can give a nominating speech. They can give a point of personal privilege. There's any number of ways to effectuate how they conduct their business. But we cannot divorce this debate from the reality of the context for those that are pushing this measure to undermine the will of the people and who seek to peddle partisan influence with big checkbooks. I know my colleagues in this body are better than that. I know that they care about this institution that they serve in. I know that they can see Nebraskans who want less partisanship rather than more. I know that they care about their colleagues. I know that they care about their oath. I know that they care about how they conduct business. This should be a straightforward question. And I've appreciated the opportunity to have more debate by filing a motion to reconsider. Actually, the voices that have come forward since that point have been fantastic and diverse, and I've been listening carefully, as have other members. But in a spirit of good faith, which I always try to operate within, I have let my friend, Senator Erdman, know and the Speaker know I am going to withdraw my motion to reconsider. And if members want to remain in the queue to continue this thoughtful and important debate, I encourage them to do so on the underlying motion. With that, Mr. President, I'd like to withdraw the motion. And thank you very much.

KELLY: Thank you, Senator Conrad. The motion to reconsider is withdrawn. Mr. Clerk for items.

CLERK: Mr. President, thank you. I've got a pair of Machaela Cavanaugh amendments to the rule change, both with notes that she wishes to withdraw. In that case, Mr. President, I have nothing further pending on the amendment to the permanent rules.

KELLY: Returning to the queue. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. With the reconsideration motion being pulled, I'll keep my comments brief here. I'm, I'm really quite frustrated by continuing to hear the word "transparency" and how that word can be used over and over and over again to talk about a secret action that takes place in this body. And, and just to make sure I wasn't losing my mind, I actually googled what transparency-- how it's defined. And it says, it, it says: transparency is a quality of being easily seen through, while transparency in a business or governance context refers to being open and honest. And, and we've all talked about how we can be honest with how we voted, and that's true. But

it's impossible to be open if the system is not open to scrutiny and open to, to the public and, and not be a secret ballot. Senator Hughes mentioned in a reading of the quote from Senator-- now Senator Mike Flood referencing Senator Bostar being the only Democrat on the Revenue Committee at that time. Senator Bostar still serves on the Revenue Committee. And I can tell you that his leadership, his statesmanship, his intelligence are all honored by that committee. He's a valued asset to the committee and he was critical to getting some really good legislation done last year. And that's regardless of his party affiliation or how he arrived on that committee. And I-- to believe that this change in this voting would totally destroy the bipartisan nature of some of the things we do I, I disagree with. Lastly, I, I wanted to-- well, second to last, I guess-- I want to talk about the-- this-- and-- this seemingly worship of George Norris, who, for some reason-- I don't know. I keep hearing that, that we shouldn't do anything to tear down what he built, which I think is really fascinating because George Norris completely destroyed the system that preceded him and brought something better. He was nothing if not a rebel or a nontraditionalist. And I believe that if he were here today, he'd encourage us to break every mold and turn from tradition and not get stuck on that tradition. If he was fearful of change, we'd have a roomful of elected officials across the hall and we'd be worrying about what they were doing over there. The last point I want to make is one I touched on earlier, and Senator Erdman also mentioned, that's a matter of constitutionality. Article III, paragraph 11, second sentence includes only six words. It says all votes shall be vive voce. I looked that up too because my Latin is pretty poor. It literally translates to "by word of mouth." And, of course, we've used technology to have the scoreboard up front, but we still typically vote by word of mouth in one fashion or another. And none of the votes are secret. Please realize that the support of the secret vote as it currently exists is literally a violation of the Nebraska State Constitution. And please consider that in your arguments. Thank you.

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

DUNGAN: Thank you, Mr. President. And colleagues, I do appreciate the continued conversation about this. I think this is actually a really interesting topic to debate. And I'm part of the freshman class. We haven't had this conversation before, but I know from speaking with colleagues of mine who have been around longer than me that this is a conversation that has come up multiple times. And as we heard Senator

Flood's words too, I, I think that this is a conversation that's been considered time and time again by this body. I also appreciate Senator Conrad's comments and then her withdrawal, I, I guess, of that motion to reconsider. I think that what that is evident of is the continued desire to have legitimate and grounded debate on this topic. One thing I think that's been a hallmark of this entire rules conversation that we've had since last week is substantive debate with real suggestions and real conversations surrounding the modification of our rules. We're, we're taking the changes in the rules with a certain gravity, which I appreciate. But I think between the Rules Committee and between the Speaker, and now Senator Erdman, proposing rule changes, I think we've had a really good conversation about this. And I know there was concern coming into this legislative session that there was going to be this rules fight, right? We kept hearing about this rules fight that was going to happen. And, oh, it's going to be this big knockdown, drag out. And people were almost excited about it, it felt like. Like, oh, what's going to be the continuation of last session? And, frankly, that's not been my experience. The tenor of this body has been, one of, of cordiality. I think we've been working together both across the political divide and also with other members in the Capitol, like the Clerk's Office, to find the best outcome in these rules. I think that people on the mic have done a really good job of keeping this about what we're talking about and keeping tensions down, for the most part. I, I-- so I guess I'd like to laud my, my fellow senators in this debate because this has not been some knockdown, drag out rules fight. This has been a conversation, one that I think is important to have. And so I, I just want to make sure we, I guess, center our conversation in that because this has been a much better debate, I think, than some were anticipating coming into the session. And that takes teamwork. And that's I think what we've all been trying to do, is right that ship as we come into this conversation. So thank you, colleagues. I do still sand-- stand opposed to this rule change. I understand, again, there's been a conversation about transparency and what that means. And I know there's been some analogies drawn between having a secret ballot and having media and hearings, but I would echo my prior comments, which is those are two very different things. Transparency often, often also means ensuring that the system and the procedures with which we are conducting our votes is transparent-- as in, we know how it works. The way that we conduct our votes in this body to elect a Chair or to elect a Speaker is incredibly transparent insofar as we all know how it works. It's a process and procedure that's laid out before us. You can go ask the Clerk. You can go ask any of the senators how it works and we'll lay

that out for you. The same way that elections are transparent when you have a process and a procedure and oversight to ensure they're going to operate properly. Transparency does not necessarily mean that you get to see everybody's individual vote. And I don't want to belabor the point that's been made previously. We all understand the importance of the secret ballot with regard to electing the best people possible. But I do want to reiterate that there are these outside factions-- not people in this body and not people who operate in this Legislature, but there are outside factions that seek to influence what we do. And they seek to do so through money. They seek to do so through political power. And they seek to do so through threats of, if you don't do this, then I'm going to raise money against you in your reelection. And we should stand against that as a body because the business that we do here is too serious to be influenced by those outside powers who seek to change how we operate. And the fact that we have these secret ballots is to ensure fidelity to the notion that we are nonpartisan. And I think this bears repeating too: nonpartisan does not mean that we all agree on things politically.

KELLY: One minute.

DUNGAN: Thank you, Mr. President. Nonpartisan means that we simply operate in a way where partisan politics don't dictate what we have to do the way they do in every other legislature. In addition to that, I heard some conversations with regards to the fact that minorities rule this place. I would disagree with that. If you are, in fact, in the political minority, I would be curious a time the political minority's ever pushed through a bill without the support of the majority. I think that would be numerically impossible. And so I don't see a situation in which the minority rules this place and doesn't let the majority do what they're going to do. And I say that as somebody who sometimes finds himself as a part of the political minority. But all in all, I think that we are ensuring the longevity of our Unicameral and ensuring the fact that what we have here as a nonpartisan body stays special, it stays supported by ensuring that this rule change does not go through. So I'd urge my colleagues to vote against Proposed Rule Change 3. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. And good afternoon, colleagues. Good afternoon, Nebraska. Well, we've been talking about rule changes. And

if you're home watching this and you're wondering what are we really fighting about here, I think I can add some clarity to the discussion. So when votes are secret, sometimes people say one thing and they vote a different way. But is that exclusively one party or the other? No, it's not. Sometimes you'll be a member of the minority, but the majority party needs a vote for whatever, and they'll make a deal with somebody from the minority party. So to say that this is just a way for Republicans to punish other Republicans because they don't vote the way that some Republicans think they should vote, that's, that's absolute claptrap. That's not true. This is a political place. You can say it's nonpartisan if you want, but the best games and the best political action is done in secret. And that's why some members want to keep these votes secret. That way, they can trade things. Maybe their colleagues won't figure out who they sold out to get whatever seat on some committee or whatever they were trying to get. And it's not a, it's not a matter of outside money trying to influence what happens in here. That happens, don't get me wrong, but that doesn't have anything to do with the, in my opinion, the secret vote. If you want to know who gave money to any of us in this body, you can go to Accountability and Disclosure and look up Mike Moser, John Lowe, whoever. And all the contributors are listed. And so, you know, you look at some of the members and they get money from unions and nonprofits and, and early childhood promoters and foundations. And then you find others and they get money from the realtors. You know, they get money from the Chamber of Commerce. So you can just about imagine how, how they lean. And that's why they got contributions from those organizations. I get kind of tired of hearing about this place being a nonpartisan place. This place is a political body, and politics are played here every day. Thank you, Mr. President.

KELLY: Thank you, Senator Moser. Senator Hughes, you are recognized to speak.

HUGHES: Thank you, Mr. President. I rise today in regards to Proposed Rule Change 3. Colleagues, I want to share a few of my thoughts on-- with you on this proposed rule change. One of my standard practices in reviewing items before the legislator is-- Legislature is that I ask myself a question: what are the unintended consequences? In the broader context of things, what could go off the rails if we all simply recorded our votes for Speaker or committee Chairs? Seems pretty simple, right? We currently elect our Speaker and our committee Chairs like the United States Senate elects leaders, by secret ballot. This proposed rule change would have us now elect our Speaker and our committee Chairs like the United States House of Representatives

elects its Speaker, by roll call vote. Knowing that, what is the unintended consequence? We have to look no further than how the U.S. House of Representatives twice elected a new Speaker last year as an example of such an unintended consequence. Former Representative Kevin McCarthy was elected Speaker after 15 roll call votes were cast in January of 2023. The current Speaker of the House, representative Mike Johnson, the fourth pick put forward by the majority party, was elected Speaker after a period of 22 days. More than three weeks passed without the U.S. House having a permanent leader elected by its peers. Colleagues, that would be a quarter of the legislative days in our current 60-day session. Will this happened here in Nebraska? We cannot know the future. However, setting up the conditions for it to happen, knowing of that possibility, is not a choice I'm willing to make. Making a procedural vote into a potential partisan battle will likely invite out-of-state money into the equation. After campaigning to get elected to the Legislature, senators could find themselves running campaigns to become Speaker or to become a committee Chair. Influencing Nebraska voters to weigh in on behalf of out-of-state interests for the Speaker or for the committee Chairs could quickly lead us to the U.S. House Speaker scenario. Will this happen? I cannot say. Can it happen? Yes, if we enable these conditions by passing the rule change. I understand that there are members of the Legislature frustrated with past elections of committee Chairs. I also understand the argument that transparency can be an important component in building trust. However, our constituents expect us to get things done and to be able to organize ourselves accordingly without making our system more dysfunctional. My cons-- my constituents have overwhelmingly called and emailed in asking us, as the Legislature, to get to work and quit messing with the rules. They've been most adamant about opposing this rule. Perhaps if we didn't have the fresh memory of the U.S. House Speaker elections I would have a different viewpoint. You don't hear anything about the United States Senate taking nearly a month to elect its leaders. And I'll repeat the reason why you don't hear about the U.S. Senate having chaos in leadership, as they use a secret ballot to do it. I do not disparage Senator Erdman for proposing this rule change and I do not question his intention in proposing it. I'm simply pointing out just one of the unintended consequences of this proposed rule change that could have grave outcomes for this body and our state. I thank my colleagues for listening, and I urge my colleagues to consider this concern and join me in respectively opposing this proposed rule change. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. This is the first time I've spoken on this this year. To keep my string intact, I am not for any of this. I have never supported changing this. We've had the secret ballot for 87 years. Hundreds of senators have managed to survive this. And either way, whether you have the secret ballot or do not have the secret ballot, there's going to be hard feelings. So let's imagine a scenario where the secret ballot is gone and people are keeping score-- and we've all seen it. People can bide their time in this body for weeks or months, and at some point it's going to be a gotcha vote. At least with the secret ballot, I think gives a little more collegiality. And I think that was the intent of the founders in 1937 when we started this. So I guess I'm kind of in the camp if it's not broke, don't fix it. And this really affects our new senators. You need to beware. This will be used against you if you vote against the party. I will guarantee there will be a card coming out on some candidate that's running against you on your election that says that you did not support their party. So if this were to come into being, why don't we have a television camera on the Committee on Committees? All our other committee hearings are televised. You know, the Committee on Committees is where the sausage is made. It affects all 48 senators. And let's make it public. Let's show how the committees are made up, you know, if everybody's so hell-bent to do this. And let's-- you know, kind of where where we see this. There's been a lot of comments about Congress. I don't want to be more like Congress. You know, look at how that's working. It does not work well. So to close, I am not going to support changing this rule. Thank you, Mr. President.

KELLY: Thank you, Senator Brandt. Seeing no one else in the queue, Senator Erdman, you're recognized close.

ERDMAN: Call of the house.

KELLY: There's been a request to place the house under call. Do I see five hands? Shall the house go under call? All tho-- all those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 25 aye-- 26 ayes, 1 nay to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and re-- and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Erdman, you are recognized to continue your close.

ERDMAN: Thank you, Mr. President, I appreciate that. I believe everyone has had an opportunity to speak that wish to about this issue. Very much appreciate the fact that we're going to get to a time for a vote. We have been talking about this for years. And Senator Conrad made a suggestion or a comment that I've taken to heart, and I am sending a request to the Attorney General to have a decision whether this secret vote is constitutional. So we will get an opinion from him. He's not the Supreme Court, but he does carry quite a bit of weight. We'll see what he has to say. So today will be a vote that the people back home will be able to watch and see how their representative voted today. We've never had a vote on this rule before. This is our first time. So vote as you wish to vote, but make sure you understand that those people back home that sent you here that may have a different opinion than the way you vote, it could be difficult for you. That's not a threat. It's just a piece of information that you need to use. So I would encourage you to vote for this rule change. Let's make a difference. Let's allow the open voting so people understand that people are honest and trustworthy. That is basically the whole sum of what we're discussing here, are we trustworthy or not. And I thought that the Senator von Gillern very well explained it. Senator Moser did a nice job of saying it happens on both sides of the aisle. I know that for a fact. So we can solve that by having that to be an open vote. I encourage you to vote green. Thank you.

KELLY: Thank you, Senator Erdman. All unexcused members are present. The question is the adoption of Proposed Rule Change 3. There's a request for a roll call, regular order. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bosn voting yes. Senator Bostar. Senat-- Senator Bostelman voting yes. Senator Brandt voting no. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting no. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 18, 2024

Rough Draft

Fredrickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell. Senator McKinney. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart voting no. Vote is 26 ayes, 16 nays, Mr. President, on adoption of the amendment to the rules.

KELLY: The amendment is adopted-- is not adopted. I raise the call. Next item, Mr. Clerk.

CLERK: Mr. President, next proposed rule change: amendment to the permanent rules. Proposed Rule Change 29 from Senator Ben Hansen amending Rule 5, Section 4.

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

HANSEN: Thank you, Mr. President. Good afternoon, colleagues. As many of you know about this rule change already, it's, it's pretty simple, for the most part. There's not a lot of language involved with it. But the rule change I proposed is the same concept that I brought three years ago and again this year. And I think it's even more pertinent this year based on, if anybody looks at the numbers, the amount of bills that we introduced this year. This rule change would limit the amount of bills a senator can introduce to 14 bills. And for everyone's information, I'm going to be passing around an amendment that I introduced to alter this rule changes just a little bit, from 14 to 16 bills, and also increase the amount of committee bills from 8 to 10. I did have a part in the bill that would say, if you kept it below five bills, you would have the opportunity to-- for two priority bills, but I did scratch that with my new amendment. So really, this rule change is limiting the amount of bills a senator can introduce per year down to 16, and then increase the amount of committee bills to 10. If we pass this, we would not be the only state with a limit on bill introduction. Around a quarter of the country's legislatures have a set of maximum number of bills elected officials can introduce. From the latest info provided, Arizona allows 7; Colorado, 5; Florida, 6; Indiana, 10; Louisiana, 5; Montana, 7; North Carolina, 15; North Dakota, 15; Oklahoma, 8; Tennessee, 15; Virginia, 15; and Wyoming is

at 5. And some of you may or may not know, years ago, '70s and the '80s, the senators were actually limited to 10 bills as a maximum. So this is not something that's unheard of. This is not unprecedented. Something that I've learned as a state senator is that it takes time and effort to craft, contemplate, discuss, and finalize a bill. Unfortunately, we have a high number of bills that are indefinitely postponed each year because many essential bills don't get a chance to make it on the floor. So the question I ask my colleagues is, are we sacrificing quality for quantity? The intent of this rule change is to motivate more specificity and thoughtfulness by both the lobby and senators. It would narrow-- narrow our conversations to focus less on statement bills and more on substantial bills. I know one thing many of us have been hearing and we have been noticing, especially over the years-- this is my sixth year here now-- is that we spend more and more time in hearings than we do on the floor debating bills. And another thing that we typically here is that many bills that we even prioritize do not even get on the floor because of a lack of time. So if we were able to at least put some kind of guardrails in the amount of bills a senator can introduce, in my mind, that would allow more time for us to debate, deliberate substantial bills on the floor that people are passionate about and they care about instead of being stuck, you know, in the, in the ether of hearing schedules. And so just for everyone's information as well, we thought-- last biennium, we introduced a lot of bills. Last biennium, we introduced 1,277 bills. I thought that was a lot. This year, we broke a record. If you have been paying attention to the amount of bill numbers that we're on-- I believe it's around 1,411. So that's almost 150 bills more than the last biennium. And I did a little math. If you average it out, per senator, that comes out to about 14 per year. So I'm kind of curious to hear debate and people's opinions on this rule change and then kind of see where this goes. So with that, I'll yield the rest of my time. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Dungan, you're next in the queue.

DUNGAN: Thank you, Mr. President. Colleagues, I do respectfully oppose Rule Change 29. And I think we're going to hear from a few people about some potential problems, but I wanted to kind of set the stage for what I think some of the issues are with this. I, I absolutely appreciate Senator Hansen's suggestions when it comes to trying to find ways to make this body operate more effectively and, and more efficiently. And I understand the notion that there are many other legislatures that limit the amount of bills that individual senators

can bring. I was talking with some other state legislators and folks who work in state government in Colorado, for example, and found out they do limit the amount of bills that senators can bring. But they have an entirely different system than we do when it comes to committees being able to introduce bills and an entirely different system with regard to how many bills have hearings and where things go. So, you know, saying that other states have limits on bills I think is, is somewhat problematic to draw the through line with us as Nebraska, given the structure of our Unicameral being so different. Senator Hansen is correct. We did previously, as a body, limit the amount of rules that could be offered by an individual senator. Back in 1979, I believe they limited the amount of rules that an individual senator could offer in a long session to 10, and I believe it was 7 in a short session. Sounded like a great idea. Everyone thought, oh, this is going to be great. We're going to get more things taken care of. But what ultimately ended up happening was very akin to what we saw last session, where rather than have individual bills be offered and individual bills be debated and votes be taken on separate parts of bills, they ended up with these massive Christmas tree bills, where a whole litany of issues were packed into these, these giant bills that came out onto the floor. And they were just so full of issues that people weren't even entirely sure what they were voting on. And beyond that, it became incredibly complicated for the public to know what was being debated and what was being voted on. A good example of this is last session. Colleagues, look at the bills that we voted through last year. LB50 is a good example. I have-- that, that was the, the bill that came out of Judiciary last year. I have people ask me all the time about individual components of LB50 and, oh, how does this change this? Or, how does this affect me? And I have to go back and look at it because it's difficult to remember what we even voted on. Transportation and Telecommunications, Revenue. We had multiple packages come out of Revenue that were just a whole multitude of bills that might have warranted some more individual debate. And what I think is interesting is that you're correct, Senator Hansen. There is precedent for us doing this. But in 1981, the Legislature overwhelmingly repealed that rule change with the, the limitation of bills because they saw that it did not work. So there is precedent for this rule being offered. There is then also precedent and historical information. We can go back and look and see that it failed to accomplish the goal of making things easier to follow and things easier for the public to understand. And there's historical precedent for the fact that it was then ultimately repealed. And so, given the fact that history is often the best predictor of the future, I think

we should heed some of the information that we can get out of that 1979 rule change and subsequent 1981 repeal. This is not going to effectuate the thing that we think it is going to. I do appreciate the removal in the upcoming amendment of the incentivization to keep the bills lower. I think that if the, the name of the game for a lot of these rule changes we've had throughout the last week and a half is avoid gamification as much as possible, I think it becomes incredibly complicated and potentially gamified if we encourage individuals to not bring bills simply to give them a second priority. So I appreciate Senator Hansen listening to some of the, the potential critiques or criticisms of that and then removing that in the amendment. Still, I think the limitation of bills to 16 is too few, and it simply is going to increase the amount of packages that we're going to see put out by committees on the floor of the Legislature. In addition to that-- and I anticipate some of my colleagues are likely to--

KELLY: One minute.

DUNGAN: Thank you, Mr. President-- talk about this as well-- many of us get constituent bills sent to us, and these are constituent bills that have to do with maybe a very small, niche issue and something that is not likely going to maybe get a priority from a senator because they've already been working on something. But it's important for us to introduce constituent bills to ensure that the voices of the people we represent are heard. The limitation of the-- how many bills we can bring has the, I think, potentially outsized consequence of limiting the amount of bills brought to us by constituents who don't have lobbyists, who don't have special interests to advocate on their behalf that senators otherwise would bring. And I would hate to see the voice of the people limited by a simple rule change that would encourage us to not listen to our constituents for smaller issues that are of equal importance and rather focus only on the issues that we think are important. So for those reasons, colleagues, I do oppose Rule Change 29. I appreciate the conversation we're going to have here today. And I'd encourage some more people to jump in and, and talk a little bit about why they think this might be positive or negative. Thank you, Mr. President.

KELLY: That's your time. Thank you, Senator Dungan. Senator Erdman, you're recognized to speak. Senator Fredrickson, you're recognized to speak. Excuse me. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Sorry for the delay. So Senator Hansen and I had spoke about this rule several times in the last

couple of years. And I made this comment earlier, and I'll make it again, at some point in time, we're going to have to decide how many rules-- how many bills we can introduce because of the amount of time we have for hearings. So we have exceeded-- I don't know-- we're around 1,300, 1,320-- and that doesn't include the LRs-- this year. So that means we've got about nearly 550 or 500-plus bills to have hearings on in a 60-day session. So we either have to start limiting the number of bills that can be introduced or we need to make a decision which bills have a hearing and which ones do not. And I don't think that latter is probably going to be acceptable to anybody in this room, that-- if your bill didn't get a hearing. So we need to decide how to manage that number. And I think Senator Hansen is onto something. I think one thing that would help it a lot would be if you adopt LR281CA, the amendment I dropped into the constitution, that we meet every other year for 90 days. That would help limit the number of bills that could possibly be introduced as well. So Senator Hansen has worked to try to come to some conclusion with everyone on what would be acceptable. I appreciate Senator Hansen's ability to try to negotiate that. And he has made adjustments to what he originally started with. And I think as we go through this discussion this afternoon and perhaps tomorrow morning that we can come to a conclusion what does make sense. What doesn't make sense is that someone would introduce 50 or 60 bills. That doesn't make sense to me. So each one of us is assigned to a committee. And if you have 50 bills and you have to go in front of another committee to introduce your bill, chances are you're seldom, or if ever, in the committee that you've been assigned to, and that's a problem. So I think that Senator Hansen's on the right track. I support his amendment and I also support the underlying rule. Thank you.

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

CLERK: Mr. President, I've got a, an amendment here from Senator DeBoer with a note she wishes to withdraw. And in that case, Mr. President, an amendment from Senator Hansen to proposed Rule Change 29, striking "as to bill limitation" and inserting "to no more than 16 bills introduced at any one session," striking "8" and inserting "10" after "each committee shall be limited to."

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

HANSEN: Thank you, Mr. President. This will be handed out to everybody, again, on their, on their desk here pretty soon, but it's pretty much what I described earlier when I opened up. Originally had

14 bills limitation. This is going to actually increase it to 16. And then also, that was recommended to me that committee bills going from 8, we will increase that to 10. A lot of people I know on the floor didn't even realize committees have eight bills that they can introduce. And there was some concern among the fact that if we do limit the amount of bills, these small, noncontentious bills that are just language changes-- they strike a word that maybe a department brings to us-- in my opinion, that's where a lot of these committee bills can be used for. So they won't take up part of our 16. I know in HHS, we have maybe two or three of them that we've introduced so far, just very simple language changes that we can even package together in a committee priority if we need. But, ideally, I don't feel like those are very substantive bills that a senator can introduce on their own. I think a senator who introduces a bill by themselves that they're-- like I mentioned before-- passionate about, that it is more substantial than just a language change, takes time. It takes effort. You're talking to your constituents. You got your staff working on it. You're talking to your colleagues. That takes a lot of time. And so that's why-- that was one of the reasons behind the increase in the-- on the committee bills. So those can actually be used for some more of those, language change, small bills. And like I mentioned before, I did cross off the part of having, if you kept it below the incentive part, that if you kept it below five bills introduced, you would get two priorities. I think a, a few people on the floor and then-- and-- having some heartburn about that part. So that's why I took that part out. In essence, that's just the majority of the amendment. And I would appreciate your green vote on that amendment to increase the total amount of bills. Thank you.

KELLY: Thank you, Senator Hansen. Sedr-- Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. I rise today-- I-- you know, I-- just hearing about this amendment from Senator Hansen, and I think I, I might actually support that amendment. I don't know if I'm going to, however, support the underlying proposal to the rule change. I appreciate Senator Hansen and his thoughtful approach here and, and, as evidenced by this amendment, I think his willingness to actually adapt this rule change to, to better meet the needs of the, of the body and of the-- our, our colleagues. I do think that-- you know, what-- the, the parts of me that I kind of still have some questions about and I'm pondering and, and gives me hesitance about voting for this rule change is I do think one of the things that is special about our role in here is that we have a lot of autonomy as senators. I

think that we can sort of determine, based on our own districts in our constituency, what those needs are. We might have years in here where, based on our constituents and constituencies, we feel that we only need one or two bills to bring. We might have years where we feel like we need to bring 15 or 20 bills. So I think that that's, I think, kind of setting a limit on what we can bring. While I can appreciate the merits of it in terms of-- with the hope of kind of creating maybe more thoughtful bills. I think that sometimes it's not a one-size-fits-all approach with that. So that's one thing I'm kind of thinking about. I also think that bill introduction kind of self-regulates in and of itself. You know-- our Bill Drafters might feel otherwise, considering how many bills were introduced this biennium. But I you know, I think any of us in here can-- who-- well, we've all introduced bills at some point. I think we could all agree that if you're-- once you hit a certain number of bills that you introduce, if you're introducing, like, 50 bills, for example, I think it's literally impossible to work 50 bills effectively in this Legislature. So, you know, when I just I kind of talk about my own decision-making process when I'm introducing bills, I think about, OK, what's realistic of the bills I can actually pass? What's important to my constituents? But also, what's realistic of what I can actually speak with colleagues about, meet with colleagues about, put thought into the actual committee-- the bill hearings, put thought into arguments for the floor? And that becomes kind of the self-regulating thing. If I brought a hundred bills, well, I, I-- that just wouldn't it be possible to do. And I think that that's-- would be a disservice not only to my constituents, but also to Nebraskans and, and our colleagues in here. So I do think there is some self-regulation that organically occurs. I also, you know, can-- the other concern I have with this is that I, I worry that if we do limit the amount of bills senators can bring, I do worry that that might incentivize more omnibus-style bills. I think that senators might try to get more and more creative and try to expand from a single subject to more ideas in a single bill to sort of fit into that. I mean, I think, obviously, our, our state constitution prohibits bills that are more than a single subject. But I think as evidenced by some of what we passed last year, including LB574 and LB626-- you know, is it single subject? That's something that there's differing opinions on. So I do worry that limiting bills is going to incentivize more of that. And I think that's a disservice to the people of Nebraska in the sense that the benefit of single-subject bills allows for legitimate debate on the floor related to the single subject of the bill, as opposed to a bill with 20, 30, 40 different ideas wrapped into it. It's impossible to

effectively debate all of those ideas at once. So that's the one thing that gives me hesitance about this. Again, I, I think I will support this amendment that Senator Hansen brought. And I, I always appreciate Senator Hansen's thoughtfulness and-- in, in, in, in, in his presentation of, of his ideas and thoughts. I do not think I will support the underlying rule change. Thank you, Mr. President.

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

ARCH: Thank you, Mr. President. I have not yet decided on this bill, but I want to, I want to talk a little bit about some of what Senator Erdman talked about previously, and that is kind of the trajectory we're on right now with regards to number of bills. So I asked, I asked the Assistant Clerk to help me with some of these numbers. And the numbers that I was given-- the biennium '19-20, we had 1,221 legislative bills introduced. '21-22, we had 1,277. '23-24, we have 1,403. And, you know, where, where is-- where does that trajectory end? I-- is, is a concern of mine. I agree with Senator Erdman. I am concerned that we're approaching a point where we're going to have to make some very difficult decisions if we don't-- I say if we don't self-regulate or in some way impose a regulation. But in both of our sessions, of course, we have a limited number of days: 90 days in the long session, 60 days in the short session. I, I went back and took a look at how many weeks do we have for committee hearings in each of those sessions. In the long session, we have 10 weeks. In the short session, we have six or seven weeks. So we have fewer, fewer weeks. Number of bills-- just using this biennium-- 800 and-- roughly 800 in the long session, 10 weeks. So about 80 a week we will have hearings on. And in the short session, looks like we're going to have about 60 a week because we have about 600 bills in six weeks. So we may have to decide. And this is kind of where we're headed as far as I can see, where not every bill would get a hearing or limit number of bills. I don't think the option is there to extend the session. And if we extend committee hearings, then, of course, we eat into our time on the floor, where we, where we wouldn't have enough time to consider the 108 priority bills that are available to us at, at this time. So at the Legislative, at the Legislative Council, I, I, I brought up an idea of, of some restructuring of our committees in an attempt to handle some of this volume issue and, and I say the disparity of referencing to various committees. And, and so, as I, as I pointed out at the council, we have one committee that receives about 49 bills per hearing days per week. 49 bills per hearing day per week. And we have another one-- and these are the two extremes. We have another one that

receives nine bills per hearing days per week. So 49 bills versus 9 bills per hearing day per week. So you can see that we have issues there as well. But in general, it's that overall volume that concerns me. The other thing that concerns me is, is really-- as I've observed senators here-- senators come with very different strategies of what bills they will introduce themselves. And we have some senators who will come and say, look. I'm going to represent my constituents. If a constituent brings me a bill, I will introduce it. Others come and they say, I am a single-issue senator. I am coming from my district because this particular issue is a very large, and that senator may introduce three bills during that period of time. And then you have those probably in the middle who would say, I will introduce bills if I believe in them. And, and if I don't support it, I will not introduce that bill, whether it's a constituent or anyone else. And so, you know, the, the limitations concern me in the-- in, in this respect, that it is that, that-- to the one that says I will, I will introduce--

KELLY: One minute.

ARCH: --a bill if a constituent asks me to introduce a bill. Those obviously will be limited. And, and so I, I, I say that only it-- I, I know that we have a problem. There-- I think Senator Hansen has accurately identified that we are, we are heading to a point where a very difficult decision may be required of us. And, and as I say, I'm still, I'm still in the process right now. And, and I'll take a look at Senator Hansen's amendment as well. I haven't seen that yet. But, as I say, Senator Hansen has identified the problem. That much I certainly agree with. And I'm still considering the bill-- or, the rule. Excuse me. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. Colleagues, I do just kind of want to point out something here, which is that what we're talking about is limited legislative time, and then we're talking about number of bills. But those two things don't equate. I can tell you that the 12 or-- I don't know what the number was-- but about probably 12 bills I had in Judiciary last year took less time in hearing than-- I can think of four or five-- single bills took. So the number of bills that you introduce doesn't necessarily equal to how long they're going to take to hear in a public hearing. The controversial nature of the bills is much more in line with how much legislative time they take.

So maybe we should talk about not bringing as controversial of bills, but nobody wants to tell a senator, you're not allowed to bring a controversial bill because it takes too much legislative time. So that's just sort of one of the concerns I have about limiting bill numbers. Another is I know, historically, we've never in this body had both the number of committee bills and number of individual bills limited at the same time. So in the past, they have had times when they've limited the number of individual bills you could have, but the number of committee bills was unlimited at that time-- and vice versa, the number of committee bills is currently limited, but not the number of individual bills. So this would be the first time in our history when we'd have both, as far as I can look back in the records, when we would both have the number of committee bills and the number of individual bills limited. OK. The point about legislative-- how much legislative time we're taking up, of course, is interesting, but it does mean that there's more people involved in our hearings, which I think is a good thing. So we might need to figure out how to navigate our bills better. I know that there are times when we have six or seven or eight bills in one of my committees and we're done by 3:00 in the afternoon. And there are other times when we have two scheduled and we're there till 9:00 at night. So again, I just-- I don't think that the number of bills you introduce has anything to do with how much time it takes to process them. Senator Fredrickson said he doesn't think anybody can process or support 50 bills. That's probably true. But if you had 50 consent calendar bills, you probably could handle 50 consent calendar bills. So I think perhaps this is an issue of personal responsibility, where each senator needs to take personal responsibility for how difficult and how contentious their bills are going to be so that they bring the sort of right amount of bills for the amount of contentiousness they're going to bring into this body so that they can handle all of that and so that we can legislatively handle it. This is the kind of thing where we're putting a number on things that really, really should be personal responsibility. And each one of us in here should take personal responsibility for our bills and how much time we spend on our bills and how much time this body spends on our bills based on how controversial they are, how many we're bringing, how complicated they are, how big they are. I mean, there are things that we need to fix. One of the problems people are concerned about with this particular rule change that I've heard articulated is that we will then just start seeing introduced composite bills, which have many different pieces to them all in one bill. We did--

KELLY: One minute.

DeBOER: --that last, we did that last session and it didn't, didn't really seem very popular. A lot of folks were saying, we don't like it when you have one bill with so many things in it. I've seen this before, where we bring a bill to hearing that has many pieces to it and you can't even have a conversation about all the different pieces in the hearing. Somebody gets up and they have five minutes-- there's 37 pieces to a bill, they can't talk about it all. So I think that that means this limitation is going to put us in that situation again where people aren't getting to actually speak to it. It's going to perhaps give us a kind of sense that we have limited the amount of legislation and the, the, the complexity of the legislation we're talking about, but I don't see how there's any actual relationship between the complexity of legislation and the number of bills introduced. So that's my concern with this rule. But I actually am still listening. And unlike Senator Erdman's perspective that I may never change my mind, even though I--

KELLY: That's your time, Senator.

DeBOER: --didn't vote for it in committee, maybe. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I've been pretty quiet today, listening and taking it all in. And I did want to weigh in on this bill. I always kind of like to look at the numbers, and I think that-- first of all, I appreciate Senator Hansen bringing this bill and giving us something to consider. But let me give you some numbers that I think stand out at me. So we've-- we introduced in this session 561 bills for the 60-day session. That would be on the-- on top of the 820, 820 that were introduced last session. And I think we disposed of about 250 of them last year. So a lot of bills out there that are going to go into the scrap heap at the end of this session because we'll start fresh in 2025, and maybe we can hit 1,000 next year. I don't know. But let's look at the numbers once. So this year, we had 10 senators who introduced less than five bills. We had 20 senators who introduced between 6 and 13 bills. So there's 30, 30 senators who have introduced 13 or fewer bills. 2 introduced 14; 4 introduced 15; and then 12 senators introduced 16 or more bills. 12 senators. Four of them went up to 19. They were between 16 and 19 bills. Four went from

20 to 29 bills. And yes, we had four senators who introduced more than 30 bills this session. So I don't disagree with Senator DeBoer on the fact that, yeah, there's some less controversial bills. There are some simpler bills. There are consent file bills. But let's face it, based upon our track record from last year, we had a lot of bills that we, we didn't have a consent file to speak of, and so we didn't get much done. But I want you to think about another thing too when you've got 30-plus bills, is that means that you're busy going to other committees to present those bills, and that means you're not sitting in the committee that you serve on to listen to the public, who, I think we talk a lot about that second house being important. Well, if we respect their views, as a committee member, I feel a responsibility to be in that committee to hear the second house talk to us about their views on the bill, along with the introducer. But if that introducer is running around to all the other committee hearings to be able to get their bill introduced to the committee and deal with questions, then that means they're not sitting on the committee that they have that they're assigned to. And I think that's another problem that goes with this. So I'm a little bit like the Speaker. I'm-- I, I don't have strong feelings one way or the other on this, but I think, looking at the numbers, I'm not sure we're at great risk, particularly if we're going to increase the number of committee bills. And let's also remember that somebody wants to introduce a really complex bill, it's going to get assigned to a committee, and the committee's going to take that bill apart. And it's going to look a lot different probably by the time it gets to the floor. So I think it's different than what we did last year with the, with the huge Christmas trees. I mean, I'm talking about a Chevy Chase Christmas tree that we had last year. I mean-- and those babies were big. But I think we can control that by reducing the number of bills that we have to deal with. And I think there's a greater opportunity that we can hear more bills on the floor because, just like we found again this year, if you don't have a priority bill or a committee priority, there's strong likelihood the bill won't be heard unless we can get it on consent file or unless we can really keep things moving. I'm hopeful that we can, but. That's my \$0.02 worth and--

KELLY: One minute.

JACOBSON: --I would say I always like to look at the numbers, and these are the numbers. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I appreciate everyone's conversation on this. Like most, I guess I'm digesting the most recent amendment, but I'm opposed to the underlying idea of putting a limit on the number of bills folks can introduce. You know, we talk about a lot of stuff around here that, you know, [INAUDIBLE] solution in search of a problem and that sort of thing. And I know everybody's talking about a large number of bills and there are resource constraint questions. But, you know, we're all individually elected by our 40,000 constituents to come and serve them in the way that we see best. And that means voting how you, you-- how you vote-- want to vote or how you think is the right way to vote for your district and for what you think is the right thing. And it means introducing bills that you think your constituents will want to see introduced and serving them in that way of trying to pass bills, bringing bills that are bringing forward ideas for your constituents. And if we say there's only so many ideas, if you went with the current-- or, the proposal that we're on right now, saying there's only 16 good ideas out of your district in one session, that-- I think that's doing a disservice to the spirit of trying to find the iterative process, the deliberative process we engage in here. Because a bill raises a question and it starts a conversation. It ultimately it gets to the idea of passing a law. And that-- but those conversations often start with earlier bills, bills that have been-- come through process. I passed a bill last year-- actually, it was-- Senator Dungan talked about LB50. It was in LB50, but it was a bill I had brought three times. I've been here for-- this is my fourth year-- and I brought it every year, and finally it was incorporated in LB50. And I kept bringing it. It was a small, little thing. It was putting in statute the procedure for tolling appeals in criminal cases when someone's appealing to the U.S. Supreme Court. And so it was very small, but I kept bringing it because I didn't have to limit myself by the number of bills, And then did get it passed. And it will make a difference to some people. I don't know what's going. Is everybody's emergency phone going off? Snow squall warning. That's for the record, folks: 4:28, January 18, that beeping sound-- snow squall warning. I've never heard of a snow squall. But-- kind of made me lose my train of thought there. But actually, now that I-- Senator Hunt is sitting here in front of me, and I was thinking about something that she said at some point in the past, which is: The system is not broken. It just works for who it works for, or something along those lines. She can correct me in terms of the actual jargon. And I thought about that for the-- this particular amendment. Some folks on one side of this philosophical divide want to limit the number of bills. And you could say those

folks see the world and say it's working just fine. And then there are some folks who bring a lot of bills because they see a lot more problems and are striving to fix them. And so this amendment and the reason I'm opposed to it, the idea of limiting bills, is that we should not say-- I-- that there are problems out there we can identify, but I have to choose which one I'm trying to fix because I can only bring so many bills. And if, if you as a legislator, as you as a representative of your constituents, if you see a problem, you should try to fix it. You should work with the folks who it's affecting. You should work with the advocacy community. You should work with other people in this body and try and find a solution and bring a bill for that. And you shouldn't be artificially constrained in which problems you're trying to fix based off of our determination that--

KELLY: One minute.

J. CAVANAUGH: --people should only be able to bring a certain number of bills. So there are a lot of other reasons that Senator Dungan and Senator DeBoer have identified about the com-- what will happen in terms of complexity of bills and things like that. But, fundamentally, we're here to use our best judgment to try to bring laws that will improve the state of Nebraska. And the state of Nebraska has problems that cannot be solved based off of some artificial number of determination. So I'm opposed to this rule and I'm opposed to the idea of limiting the number of bills. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Thank you, colleagues. Yeah. Senator Cavanaugh, I think I've said something like, it's not that the system is broken because it's working for somebody or-- I don't know. I always say really smart things like that, but I don't know what I said. I do rise also in opposition to this proposed rule change. I think, in this body, sometimes we-- there's a pattern I see where there's a tendency sometimes to just sort of try things in an effort to be more efficient or more transparent or save time or save resources. But in the end, it creates bureaucracy. In the end, it's just sort of fussing with the system that is, in fact, working. And I take Speaker Arch's point about maybe we are getting to a place where we have consistently, exponentially more and more and more bills introduced every year. We're reaching perhaps limitations on how many hearings our committees can realistically have. But I disagree that

this rule is, A, urgent and necessary this year in the middle of a biennium or, B, actually going to solve that problem. I'm looking at this amendment to the rule change that was passed out that says: will limit bill introduction to no more than 16 bills at any one session and then limiting committees to 10 bills each session. What this would just incentivize me to do, as others have said, is if I would-- if I had more than 16 ideas I needed to share-- I am one of those people who will introduce constituent bills so that my constituents have the opportunity to come to the Capitol and testify about something that specifically matters to them. And I think that's a really unique feature of our system here in Nebraska that is special, that I would hate to see taken away. But if this was-- if this rule was in place, I would take my 16 bills, and each one of those may, by necessity, have to become an omnibus bill. You'd put, you know, eight different bills in a bill. And that's not less of a burden on Drafters or Revisors. That's not less of a burden on committees. I actually think it muddies the process. It makes the hearing more confusing. It probably is confusing for constituents and potential testifiers who may be coming in to talk about one part of the bill but not another part of the bill. I can-- you know, already in a lot of our committee hearings, I see senators and colleagues tuning out, not listening or paying attention because these long hearing days do get difficult, and it, it is hard for a lot of us who have these ADD tendencies to, to focus on things like that. But I see this rule change making that even more difficult. It also reminds me of a-- the same tendency we have in this body. And I'll-- you know, I, I think it's a trend that we see across the whole country, which is something I don't like or don't understand or don't prefer or love should be illegal. Like, let's pass a whole law to stop people from doing something that I don't particularly love or understand or want to see in the world. And we're doing-- you know, that's extreme, but we're doing the same thing with this rules change. It's a member saying, OK. It might be-- I-- you know, when, when Senator Hansen was the Chair of Business and Labor, he didn't even name a committee priority. In our Executive Session, we had to have a talk about that, about, you know, do, do we want our committee to even have a priority? Because he didn't want to have one at all. And I think-- you know, Senator Hansen can certainly speak for himself, but--

KELLY: One minute.

HUNT: --I think that he has a very consistent philosophical view that less government is good. And what less government means is fewer bills. So the fewer bills, you know, a committee can put out into the

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ether for debate on the floor, the better. Maybe that's his philosophical view, and I think that would be consistent and that would make sense. I, I understand that from also from kind of a libertarian perspective that I have, but. I don't think that, like, our personal preference means that a rule change is in order. And I don't think that this rule change actually seeks to-- or, it actually solves what it seeks to solve. I also think that this would give a lot of undue power to the lobby because they would say, oh, all the-- every senator only has 16 bills. And so all of our special interests that we have, we have to make sure that those are plugged into somebody, and it'll become more and more urgent for them to make sure they have a sponsor for their issues, leaving less time and space for our constituents to have their real concerns heard. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, a snow squall is a short-fused and focused in a distinct area snow storm similar to a tornado or a severe thunderstorm. So until 5:00 p.m., we are in a snow squall warning, meaning there might or might not be a snow tornado outside, which sounds like a Jason Statham movie. I want to make sure we all knew that so that the record was clear. I didn't want people looking back on this in 15 to 20 years also wondering what a snow squall was. But beyond that, colleagues, I do again rise opposed to this rule change. I, I have had a chance to review the amendment now, and I do thank Senator Hansen as well for, I think, taking into consideration some of the concerns that people have had with regards to his original proposed rule. I, I still personally am not there in agreement with this because I, I believe even-- like I said earlier-- now having reviewed it, raising this to 16 and then increasing the committee's allowed bills to 10, I, I still think that we're going to run into the same problems that we've had before. As I stated earlier, the historical precedent here shows us that when we've done this in the past, it's really negatively impacted the substance of the body and the ability for us to bring bills that truly matter to the people. And I think it's made it more opaque as opposed to easier for the public to understand what we're doing. In addition to that, Senator John Cavanaugh also brought up the topic of people who bring bills or senators who bring bills time and time again in order to start a conversation. There are a number of bills that have been passed recently that have been brought time and time again in this legislative body, and it was only through the process of them coming

up multiple times in a row that I think they were able to ultimately have this conversation enough times to get to that ultimate place of passage. And you'll hear people say when they introduce a bill sometimes, you know, colleagues, I understand this is the first time it's come up. This is the beginning of a conversation. This is being brought to get the ball rolling on this topic. And I think there is some merit to that. We deal with incredibly difficult and heady issues in the Legislature that oftentimes are difficult to understand at first blush. All of us bring our own expertise here to the, the table, but certainly we don't bring expertise in every area. I often say that if a senator tells you they're an expert in multiple areas, they probably aren't telling you the truth. And I think it's easier for senators to be genuine about that and say, hey, I come to the table with what I-- my background is, what my history is, but I don't understand this other subject that's completely different from my background. And so it takes us time to learn about these things and it takes us time to fully understand, I think, and appreciate the gravity and the complexity of a number of the issues with which we deal. You know, I sit on the, the Banking and Insurance Committee. There's a number of subjects in there that are really complicated, and there's a number of subjects in there that are really, really important. And we've passed a number of bills in the last year or two that I think are really, really beneficial and helpful for the citizens of Nebraska. But I think it's because you're able to bring a number of bills and have these conversations over and over again that you're able to get to that place. Sometimes a bill is not ready the first time it's brought, but that doesn't mean we can't have that conversation. Our Legislature assuring that every single bill gets a hearing means that each of these topics have the ear of a senator. And just because something isn't important to you doesn't mean it isn't important to the people that it's trying to affect or the people that it's trying to help. I know that there's a number of bills that have been brought to my attention that, when I first looked at it, I didn't understand the people that was trying to help. And then by virtue of the fact that we had a hearing, I understood the importance of it. Similarly, I've brought bills that I think have a real, true substantive benefit to Nebraskans, where when I talk to my colleagues about it, at first blush, they don't understand how it's going to help people. And by the fact that we get a hearing, that's what allows those senators--

KELLY: One minute.

DUNGAN: Thank you, Mr. President-- that's what allows those senators to understand that, to hear from the people it affects, to hear from other individuals who can advocate for the benefit of these bills. So the fact that each senator can bring a-- any number of bills, if they're willing to work hard enough, if they're willing to put the effort in to draft those bills, conduct the hearings, get the witnesses or the testifiers ready for the hearing, if they're willing to put that energy in because it's important to them and because it's important to the people that we are here to represent, I don't think that should be limited. Because there's always going to be some niche group of individuals out there. There's always going to be some subset of Nebraskans that you haven't thought of before who need help. And they're talking to a senator asking for help, and they're asking for a small modification. But if we're limited to the amount of bills that we can bring, it is going to harm those people who otherwise don't always have a voice for themselves. So again, I, I very much appreciate the conversation we're having, but I do stand opposed to the general concept here of Rule Change 29. Thank you, Mr. President.

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

BOSTAR: Thank you, Mr. President. So I, I voted against this rule in the Rules Committee and-- for a number of reasons, one of which I'll talk about now. But I do appreciate Senator Hansen having the conversation on this, working with folks. I know he's, he's talking to folks on the floor. He's bringing amendments. That's, that's certainly valuable and appreciated, and I want to point that out. One of the reasons that I did not support this rule is that I don't think this is the first step we should take to address the problem that we have before us. It is true that we spend a lot of time hearing bills in, in committee; and if we did less of that, then maybe we would have more time on the floor to consider bills as a full Legislature. But, but the reality is, is we have a couple of committees that hear a lot of bills and we have some committees that don't hear that many. So one thing we could do to try to solve some of this problem is to do some reorganization of our committees. And that's actually something that I-- that-- you know, there are several of us talking about and, and working on. It's a, it's a complicated problem to address, but it's a valuable one to work on and try to find a solution for. And so, to me, I recognize there's a problem, but this feels like we're jumping to an extreme solution before we've had an opportunity to consider and pursue other options that would be less limiting of our ability to most comprehensively represent our constituents. And that's why I

oppose it. That's a reason I oppose it. I think we should try a few other things first. We should work on evaluating what we, what we can do for the Judiciary Committee. Folks talk about making it a five-day committee. That could help. Folks talk about splitting up the subject matter jurisdictions into parts. Maybe that would work. I don't know. But right now, it isn't that every committee has an overburdensome workload. A couple committees do. Most committees do not. So if we can find a way to rebalance our work, I think that alone will shave time off of our committee workload and give us more time on the floor to actually consider and pass more bills. We have committees right now that take weeks off of the schedule. They don't have enough bills to even fill their days, even to a minor extent. They'll take whole weeks off. And good for them. They, they don't have that many bills. What are they going to do? They shouldn't make it up. But that tells me that there are, there are things that we can do. There are solutions to this challenge and this problem that we can pursue before we take what I think is--

KELLY: One minute.

BOSTAR: --at the very least-- thank you, Mr. President-- a more extreme response than what that would be. I don't want to characterize this as extreme in and of itself on its face, but it's more extreme than just trying to do some reorganization. Let's start there, colleagues. Let's try to see if we can find a solution to this problem that does not place limits on what I would consider fundamental elements of our democratic process in this body. Thank you, Mr. President.

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

CLERK: Thank you, Mr. President. Reference report from the Referencing Committee concerning LB1302 through LB1411, as well as LR282, LR283CA, LR284CA, LR285CA, LR286CA, and LR287CA, as well as rereferences for LB1190, LB1191, and LB999. Notice of committee hearing from the Agriculture Committee as well as the Judiciary Committee. Amendment to be printed: Senator Conrad to LB16. A motion to suspend the rules to allow for the cancellation of a public hearing from Senator Halloran, as well as a motion to withdraw LB1140 from Senator Erdman. Those will both be printed, printed in the Journal. An appointment from-- excuse me-- communication from the Governor. Dear Mr. President, Speaker Arch, members of the Legislature: Contingent upon your approval for the following individuals being appointed a member of the Tax Equalization and Review Commission: Jack-- Jaquel-- Jacqueline

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Russell. Signed, Jim Pillen, Governor. The Referencing Committee-- notice: will meet in room 2102 at 8:30-- 8:50 tomorrow morning. 8:50, tomorrow morning, Referencing. Name adds: Senator Lippincott to LB15; Senator Hansen to LB830; Senator Clements, LB876: Senator Lippincott, LB999; Senator Dorn and Senator Jacobson to LB1035; McDonnell, LB1124; Jacobson, LB1269; Bosn, LB1320. Senator Ibach name withdrawn from LB1330. Finally, Mr. President, a priority motion: Senator Clements would move to adjourn the body until Friday, January 19 at 9:00 am.

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