

Transcript Prepared By the Clerk of the Legislature
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Rules Committee
March 20, 2007

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The Committee on Rules met at 12:00 p.m. on Tuesday, March 20, 2007, in Room 1525 of the State Capitol, Lincoln, Nebraska. Senators present: Carol Hudkins, Chairperson; Philip Erdman, Vice Chairperson; Annette Dubas; Steve Lathrop; and Tom White. Senators absent: Mike Flood. []

SENATOR HUDKINS: (Recorder malfunction)...Bruhl, sorry, is our committee clerk. Why we're...and if you don't mind, I will just stay here and testify instead of out there. Is that permissible? What we're looking at today, you were all on the floor the other day when I tried to pull a bill from committee that the committee was holding. We had discussion on the floor, including some from the Speaker, to let the committee do its work, and so if we're going to only let the committee do their work then there's no reason for these rules to be in place. So we're taking that out and so nothing can be done with a bill until it is advanced from the committee. Now there's going to be another part of this, perhaps later. We also say that, right now anyway, you can amend a bill on the floor with a bill that is still in committee. Well again, my feeling is that that takes away the prerogative of the committee. Now if the committee has already included a particular bill, let's say that the committee amended bill A into bill B, then bill A could be indefinitely postponed because it's already somewhere else. So that's what the Section 3 does, is just remove the language. If we're not going to use it then let's not have it in our rules. The Section 9 is for special session and I guess I'm done. Any questions? And I'll just tell you that I will be voting against this, because we need to let the committees do their work, yes, but if a committee is deadlocked on a bill, four people can hold up the progress on that bill and there's nothing we can do about it and that's not really the majority rule either. So I would open it up for any questions. No questions? Okay, well, that's my rules change. If we're not going to use the rule let's get rid of it. And then, Senator Erdman, you had a rules change that you wanted to address. We will not take...is there anybody that supports my motion? Anybody that opposes it. Well, I opposed it because I think that we would be letting the minority strictly run the body. If there's no other comment then that will close the hearing on rule 3 and also on rule 9. And, Senator Erdman, unfortunately we didn't get your particular rules change addressed in the Journal, so we can talk about yours, but we won't be taking any action. But if anything goes to the floor, you can certainly bring it up then. So if you would like to talk about your rules change. []

SENATOR ERDMAN: I would, Madam Chair, and for the committee's information, what you have before you is the redistricting process that we used in 2001 both in rural and in LR7. Those are attached for your review and that's mainly what this was designed to do--the status of the resolution. The last part is the operating procedures of the committee, that was adopted by the committee, and their guidelines. If you'll recall, LB402 is on General File. I have begun to make the argument that I believe that this is more appropriately handled in rules and not in statute, and for the sake of the Rules

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Committee, I thought I would share that information with you as most of you will be here when you do this again in 2011 should you get reelected. So I thought you should...oh, I guess without getting reelected you'll still be here, won't you? No, you'll have to get reelected. []

SENATOR DUBAS: You'll be done, yup. []

SENATOR ERDMAN: So if you get reelected, this is a point of information for you. I would hope that the Legislature would see that the rules is the most appropriate place to put this. Again, it wasn't designed to be acted on. It was just a point of information that I had presented out to the Executive Board that this was a more appropriate way to handle it. Since you are members of the committee that have adopted this in the past I thought you should see it directly. There are things in here that probably need to be more narrowly written than they were in 2001, but there is legitimate reasons as to why these were written the way that they were. But I thought you should see them, see how we did it. Understand that there as no statutory language specific to do redistricting. It was done through rules and then this is the additional documentation that was used by the members of the committee to accomplish what we now have as our districts for the state, both in representative State Board of Education, Regents, Public Service Commission, Supreme Court, and the Legislature. So that's just a point of information. Thank you, Madam Chair. []

SENATOR HUDKINS: You're welcome. Any questions for Senator Erdman? Would anyone like to testify in support of this rules change or in opposition? Hearing none... []

SENATOR LATHROP: I'm sorry. Did I understand that this hadn't been brought to us in time to do anything with it today? []

SENATOR HUDKINS: Right. []

SENATOR LATHROP: Okay. []

SENATOR HUDKINS: Yeah. So we will not be voting on it, but we can still talk about it. []

SENATOR WHITE: I do have a question on the point of order. The purpose of a notice is to get pro and con testimony and if the notice isn't proper, I don't know that it is all that proper to close the hearing, Senator. []

SENATOR HUDKINS: Well, Senator Schimek was going to be here and she isn't. So I don't know what happened. She is in opposition. []

SENATOR WHITE: I mean, I...well, I made the point. I don't think it's proper to close the

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hearing for pro and con testimony if the notice is insufficient. []

SENATOR ERDMAN: I don't know that...I think it's a point well taken, Senator White. []

SENATOR WHITE: We haven't had a hearing. []

SENATOR ERDMAN: I don't know that this is a hearing. It's probably point of information... []

SENATOR HUDKINS: Discussion. []

SENATOR ERDMAN: ...and maybe more appropriately handled, so... []

SENATOR WHITE: Right, in which case I'm fine with that. But as I understood Senator Hudkins... []

SENATOR ERDMAN: Yeah. []

SENATOR HUDKINS: Well, we'll close the discussion. How is that? []

SENATOR WHITE: Works for me. []

SENATOR HUDKINS: Okay. Are there any wishes from the committee as far as my proposal? []

SENATOR ERDMAN: Well, I would move to kill it if you wanted a motion, but we don't have to do anything if we don't want to adopt it. So I would leave it to your discretion how you care to proceed. If you'd like to dispose of your motion I'd be happy to accommodate you in that, but if you don't want to do that we can leave it here and don't do anything, because I candidly think it's a poor policy decision, too. []

SENATOR HUDKINS: Anyone else? Is there a motion any way, either way? []

SENATOR ERDMAN: Well, I'll move to kill it. []

SENATOR LATHROP: I'll second. []

SENATOR ERDMAN: The Hudkins proposal. []

SENATOR HUDKINS: Is there any further discussion? If we could have the roll call, please? []

SHIRLEY BRUHL: Senator Hudkins? []

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SENATOR HUDKINS: Yes. []

SHIRLEY BRUHL: Senator Erdman? []

SENATOR ERDMAN: Yes. []

SHIRLEY BRUHL: Senator Dubas? []

SENATOR DUBAS: Yes. []

SHIRLEY BRUHL: Senator Lathrop? []

SENATOR LATHROP: Yes. []

SHIRLEY BRUHL: Senator White? []

SENATOR WHITE: Yes. []

SENATOR HUDKINS: All right. Thank you for your attention and now you can hopefully go to lunch. []

Chairperson

Committee Clerk