

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Executive Board February 18, 2020

**HILGERS:** [RECORDING MALFUNCTION] --public hearing for the Executive Board of the Legislative Council. My name is Mike Hilgers. I represent District 21, northwest Lincoln and Lancaster County. I'm the Chair of this board. We'll start with member introductions, starting with Senator McCollister.

**McCOLLISTER:** John McCollister, District 20, central Omaha.

**LOWE:** John Lowe, District 37, Kearney, Gibbon, and Shelton.

**KOLTERMAN:** Mark Kolterman, District 24, Seward, York, and Polk Counties.

**HUGHES:** Dan Hughes, District 44, 10 counties in southwest Nebraska.

**VARGAS:** Tony Vargas, District 7, downtown and south Omaha.

**HILGERS:** Senator Vargas is the Vice Chair of this committee. To my right is legal counsel of the board, Janice Satra. To my far left is the committee clerk, Paige Edwards, and our page today is John. We have two items on our agenda. We actually switched the order. Senator Wayne is LR280CA. He will start. The order of the proceedings will be, we'll start with an opening. Then we'll take proponents, opponents, and neutral testifiers. Anyone wishing to testify, please fill out a green sheet and hand it to the-- to the clerk or the page when you come up. When you-- when you testify, please spell your name for the record and members may have questions. I don't know if-- is anyone planning on testifying today? OK. All right. Well, we will start with the first item on our agenda, which is LR280CA. Senator Wayne. Welcome.

**WAYNE:** Thank you. Thank you, Chairman Hilgers. My-- my name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent District 13, which is north Omaha and northeast Douglas County. This issue is about term limits, and I won't get into the history of how term limits got here. But I do think everybody knows that it was about one person getting removed from this body. And I think people believe that term limits at some degree maybe are, at least, a decent thing to be discussed and to be moved on if the body chooses. However, since being down here, we've had big conversations structurally, whether it's LB720, whether it's now the new property tax, whether it's just broadband. For five years, six years, seven years, you think, OK, I'm finally starting to get some traction. And then year seven and eight, you kind of don't get to

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see it get-- get seen through. There might be hiccups that maybe you could have addressed or things like that. And so I just think-- what I consider a generation, K through 12, is kind of how I always calculated it, 12 years down here as a body and a part-time body. I think it's important we remember that it's a part-time body, so the standard two four-year terms, as most people think are full-time jobs maybe was appropriate back then. But we look at a part-time Legislature, most people are working outside of here. I think 12 years is long enough and I'm open to any type of 12 years: three four-year terms, or two six-year terms. I do think not having to run every four years will make the body more-- more susceptible to big changes, instead of thinking about the next election. But I do think 12 years as a minimum, or-- as a maximum is a better term for us as senators versus the eight-year that we currently have. We just got here, most of us on this committee who came in with me. At least three of us-- four of us here are-- got here like we were in Bellevue the other day. And now we're rerunning and either it will be our last year or not. And systematic change is really hard to do within that four-year crunch or even that eight-year crunch. So with that, I'll answer any questions.

**HILGERS:** Thank you for your opening, Senator Wayne. Are there questions? Senator Kolterman.

**KOLTERMAN:** So, Senator Wayne, are you familiar with the fact that just before you got here, Senator Schumacher had introduced a bill for two six-year terms--

**WAYNE:** Yes.

**KOLTERMAN:** --and it really got nowhere?

**WAYNE:** Yes, I'm-- I'm familiar with that. And then I'm also familiar with some other constitutional amendments that I think-- just as they were piled together, it just didn't go very well in 2006, I believe it was. But I think people understand now that this is truly a part-time body. And if we're going to make some change, we-- we-- we need a little bit more time.

**KOLTERMAN:** [INAUDIBLE].

**WAYNE:** As you see now--

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**KOLTERMAN:** I support the con-- the concept, I believe.

**WAYNE:** Thank you.

**HILGERS:** Thank you, Senator Kolterman. Senator Hughes.

**HUGHES:** Thank you, Mr. Chairman. Thank you, Senator Wayne, for coming today. Have you given any thought to timing as to when this would be on the ballot that may work better or worse? You know, this coming election was-- is that the best time for this, or--

**WAYNE:** I think--

**HUGHES:** --do you just want to get it out there as soon as possible?

**WAYNE:** I think if we stick to the three four-year terms, which is a simpler solution, I think the timing now is fine because it really wouldn't impact a whole lot of people who may or may not want to stay. But I think if we're gonna make a-- a shift to a two six-year term, then this following year, even if it's on the ballot, there should be a six-year term and then we'll go afterwards but I don't know how legally that would work. But I think the three four-year term should happen immediately now, in a presidential election, when voter turnout is higher than in a non-presidential election. So I do think we can't wait two years.

**HUGHES:** OK. Thank you.

**HILGERS:** Thank you, Senator Hughes. Senator Vargas.

**VARGAS:** Thank you, Chairman. Thank you, Senator Wayne, for introducing this. I don't know if you can reference any information about the others-- how many other states don't have term limits right now?

**WAYNE:** No. I mean, we were looking at it and most of them don't do term limits, and so-- there because some of them are two-party system. Their Senate sometimes is limited, not their House, as there are-- vice versa. But I-- we didn't compile that data. To me, this is more about a bill, about what structurally is best for us. And just from what I've seen with our big issues, education, taxes, tax incentives-- those are a three- or four-year carry. And to expect a freshman to come in over four years and pick up enough knowledge to make that two-- or three-year carry, I think is very hard for us to do.

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**VARGAS:** I appreciate that. And I-- and I agree with you on that sentiment, around the carryover and the limited number of years. We-- we had a discussion here, maybe-- I can't remember, a couple of weeks ago-- about the TEEOSA, and the individuals that both created the-- the last iteration of this-- created TEEOSA out of that school finance committee are no longer here with us, obviously. And so we've-- we had to learn a little bit about-- and there is a new bill on that. And so you do lose a lot of institutional knowledge in a short amount of time. So I appreciate you bringing this bill.

**HILGERS:** Thank you, Senator Vargas. Just logically, Senator Wayne, so I understand, so if this were to get on the ballot and pass, anyone who's term-limited this year-- there's people running for their seats, so they, you know, they-- they--

**WAYNE:** [INAUDIBLE].

**HILGERS:** --this would not apply to them, so the first class of individuals that this would apply to would be Senator McCollister's class--

**McCOLLISTER:** 2022.

**HILGERS:** --so--

**McCOLLISTER:** 2022.

**HILGERS:** --in 2022 those individuals could run for-- or would only be new senators who come in and get elected after?

**WAYNE:** I'm-- I'm open to however the body wants to-- to craft that. I mean, I do think it's simpler if you just say right now, moving forward, here is where everybody's at. And so technically they would get an extra term, if that's what you want to call it. But I don't know. I mean, I think that's the best solution so everybody's clear-cut what they're running for now. I mean, who-- who loses is Senator Kolterman's in this when he wants to rerun. I guess he could petition, you know-- well no, he couldn't. He'll be out. Sorry.  
[LAUGH]

**HILGERS:** No, he'll be back. Senator Kolterman.

**KOLTERMAN:** We have-- we have two years left.

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**WAYNE:** Oh, that's right, you got two years left.

**KOLTERMAN:** But I-- I would--

**WAYNE:** I thought you would [INAUDIBLE]--

**KOLTERMAN:** --actually, I would prefer that my class not be eligible for another term. It should-- I think it would be a conflict of interest for us to vote on extending ours for four more years. I think it ought to go out the next-- that's a personal opinion.

**HILGERS:** Senator Kolterman, thank you. Senator McCollister.

**MCCOLLISTER:** Since Senator Kolterman and Senator McCollister would be termed out, this might be a good reason to oppose the bill [LAUGHTER]. We-- we'd be eligible to come back if-- if your bill were to-- were to pass.

**WAYNE:** Well, there is some logic to it, more so than when I've seen No votes fall before, so [LAUGHTER]--

**HILGERS:** Good time to end the question, no. Any other questions? Seeing none, thank you, Senator Wayne. Are you going to stick around for closing?

**WAYNE:** No, I waive closing since I don't see any testifiers.

**HILGERS:** Any proponents for LR280CA? Anyone wishing to testify? Welcome.

**HUGHES:** Hi.

**KRISTEN GOTTSCHALK:** Thank you, Chairman Hilgers and members of the Exec Board. My name is Kristen Gottschalk, K-r-i-s-t-e-n G-o-t-t-s-c-h-a-l-k. I am the government relations director and registered lobbyist for the Nebraska Rural Electric Association. And we come in today to testify in support of this proposal. When term limits were first proposed, NREA took a position to oppose that because they felt that term limits are best imposed at the ballot box. However, the voting public disagreed and it is what it is. And for all the reasons that Senator Wayne discussed in his opening, the need for institutional knowledge, the carryover, an opportunity for continued education, we do believe that moving from two terms to three terms is

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reasonable and appropriate. With that I'll end my testimony. If you have any questions, I'd be happy to address them.

**HILGERS:** Thank you, Ms. Gottschalk. Any questions? Seeing none, thank you for coming down. Any other proponents for LR280CA? Seeing none, anyone wish to testa-- testify in opposition? Any neutral testimony? Senator Wayne has waived closing and we have no letters. That will close the hearing on LR280CA and we'll move to our next item on the agenda, LB1035. Senator Friesen, welcome.

**FRIESEN:** Thank you, Senator Hilgers and members of the Executive Board. My name is Curt Friesen, C-u-r-t F-r-i-e-s-e-n. I represent District 34. I'm here today to present LB1035. LB1035 increases the membership of the Legislature from 49 to 50 members, starting in 2023. Article III, Section 6 of the Nebraska Constitution allows for membership in the Legislature to be not more than 50, not less than 30. Since the Legislature will be taking up redistricting next session, I felt now would be a good time to put this idea out there. I understand it won't do anything to lower the amount of constituents per legislative district, nor will it do anything to solve the urban/rural split in our body. I also didn't introduce the bill to attempt to change the liberal/conservative makeup of the body. It's truly a nonpartisan proposal. I introduced LB1035 as a way to perhaps keep at least one rural legislative district the next round of redistricting. We don't yet know what the population numbers will be after the census is taken this year, but the possibility is that rural Nebraska could lose one or two legislative seats. The Legislature hasn't increased its membership in over 50 years, and there is enough space in the Chamber in the Capitol building to accommodate one more member and their staff. If you take a look at the fiscal note, it states that the cost of adding a legislative district wouldn't be that big of a budget item. And I know this committee has discussed legislative membership already this year with the Speaker's constitutional amendment. So I want to thank you for the time listening to this proposal and thank you for taking into consideration. I'd be happy to answer any questions. Again, it-- it's-- it is-- redistricting coming up down the road, it's obviously there's rural areas could lose two seats. And I feel at times, you know, that-- the districts are a-- too large out west. But this will do little to change that. It's still-- it's just one more senator. But in the end, the idea of losing one more rural senator when we already only have what I consider five or six-- very small representation in our population, is still [INAUDIBLE] to shift. It's something, I

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think, that under current statutes we at least could look at and see--  
see once what the-- what the changes would mean to the body.

**HILGERS:** Thank you for your opening, Senator Friesen. Are there  
questions? Seeing none, thank you. Are you going to stick around for  
closing?

**FRIESEN:** Sure will.

**HILGERS:** Anyone wishing to testify as a proponent for LB1035? Anyone  
wishing to testify in opposition? Any neutral testimony? Senator  
Friesen waives closing. We have no letters-- I'm sorry, we do. We do  
have two. I'm sorry. We do have two letters of support from the  
Nebraska Cooperative Council and the Nebraska State--

**PAIGE EDWARDS:** Grange.

**HILGERS:** --Grange, Nebraska State Grange. And we also had two letters  
for LR280CA, from the Nebraska League of Women Voters and the State  
Grange as well. And that will close our hearing on LB1035 and our  
hearing for today. Thank you all.

\_\_\_\_\_ : Ended just in time, didn't it [INAUDIBLE].

**HILGERS:** All right.