

Transcript Prepared by Clerk of the Legislature Transcribers Office  
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Rough Draft

**HUGHES:** We'll go ahead and get started. Senator Lowe is on his way, so hopefully he will be here shortly. Welcome to the meeting of the Legislature's Exec Board. We'll start with introductions, members. Senator Hilgers, if you'll start.

**HILGERS:** Mike Hilgers, District 21, northwest Lincoln, Lancaster County.

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

**SLAMA:** Julie Slama, District 1, Otoe, Nemaha, Johnson, Pawnee, and Richardson Counties.

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

**HUGHES:** And I am Dan Hughes, from District 44, representing areas in southwest Nebraska.

**PANSING BROOKS:** Patty Pansing Brooks, from Legislative District 28 right here in the heart of Lincoln.

**GEIST:** Suzanne Geist, District 25, which is the southeast corner of Lincoln and Lancaster County.

**HUGHES:** Very good. Also, we have staff here. To my left is Janice Satra, who is our legal counsel. And pinch-- pinch-hitting today is Katie Bohlmeier is self-serving as clerk, as our normal clerk, Mandy, is on vacation. So thanks everybody for coming. First off, I do-- would like to introduce Steve Ramos, there in the back, to the board. He is going to be replacing Chuck Hubka here in the Legislature beginning the first of January, I believe. The end of December will be Chuck's last day, so we're very excited to have Steve on board. He's very excited to have the job, so looking forward to working with Steve in the future, so thanks for being here. OK, first item on the agenda, amended personnel policies for legislative employees regarding family medical leave, and I will turn that over to legal counsel to give us some background there.

**JANICE SATRA:** This first agenda item, and actually the next, are amendments to the personnel policies. They reflect recent changes made for employees of code agencies as a result of the collective bargaining agreement reached by NAPE and then implemented for other

employees in the classified system. The first amendment, as Senator Hughes said, deals specifically with family medical leave. If adopted, the change would expand the use of sick leave for an eligible employee on approved FML to situations that were formerly not authorized. The most notable example would be like for fathers upon the birth of a new child; they would be able to use their sick leave for the full 12 weeks. Currently, they can only use sick leave if their presence is necessary due to a serious medical condition. This change would be retroactive to November 1, 2021.

**HUGHES:** Any questions on-- do we need to do them separately?

**JANICE SATRA:** Yes, please.

**HUGHES:** OK, any questions on that?

**GEIST:** I do have a question.

**HUGHES:** Yes, Senator Geist.

**GEIST:** OK, I-- I have a-- a staff member who had recently been on maternity leave and-- and in our policy for our employees, they can only use six weeks of sick leave for maternity leave and then have to use vacation. But in other parts of state government, they can use all of their sick leave, however much they have accrued, before they have to use vacation. So I'm wondering if that's something we could take a look at for our staff.

**JANICE SATRA:** This would address that specifically. Diane, tell me if I'm incorrect.

**DIANE NICKOLITE:** You are correct.

**JANICE SATRA:** Yes.

**DIANE NICKOLITE:** [INAUDIBLE]

**HUGHES:** Come on up, yeah.

**DIANE NICKOLITE:** OK.

**JANICE SATRA:** That would-- this would-- change would also apply in those situations.

**GEIST:** For mothers--

**JANICE SATRA:** Yes.

**GEIST:** --not just fathers.

**HUGHES:** Yes.

**JANICE SATRA:** Yes.

**GEIST:** OK.

**HUGHES:** Diane Nickolite, head of accounting.

**GEIST:** Hi, Diane.

**DIANE NICKOLITE:** Currently, the policy is for family medical-- people eligible for family medical leave for a birth of a child or adoption is six weeks for the mother would be sick leave and bonding would be vacation leave, the-- the remainder of the six weeks. With the father, it usually was a week or two of sick leave, depending on complications, and then the rest would have been vacation.

**GEIST:** OK.

**DIANE NICKOLITE:** This changes [INAUDIBLE]

**GEIST:** This changes to 12 weeks of sick leave?

**DIANE NICKOLITE:** Um-hum--

**JANICE SATRA:** For both--

**DIANE NICKOLITE:** --for both.

**GEIST:** For both, gotcha.

**JANICE SATRA:** --if they have sick leave accrued.

**GEIST:** Right, they have to have it accrued. I understand that.

**JANICE SATRA:** Yes.

**GEIST:** OK.

**DIANE NICKOLITE:** OK.

**GEIST:** Thank you. That helps.

**HUGHES:** OK. Senator McCollister.

**McCOLLISTER:** Yeah. Thank you, Mr. Chairman. The fact that this has been a negotiated agreement probably means that we have to adopt it. But do you know how standard? Is this customary and usual in state governments for the policy change that we're now embracing?

**JANICE SATRA:** I think that-- you're talking about other states?

**McCOLLISTER:** Yes.

**JANICE SATRA:** I think that you're seeing a trend toward that. The bigger issue that you're hearing now is whether it should all be paid, whether you've accrued a paid or not. But, yes, I think that you would find it's pretty standard.

**McCOLLISTER:** And we're-- we will pay.

**JANICE SATRA:** We will pay if they have sick or vacation accrued. It's not automatically paid unless you're-- you have accrued that much sick leave.

**McCOLLISTER:** So how many states have embraced this particular approach?

**JANICE SATRA:** That I don't know, Senator.

**McCOLLISTER:** OK.

**GEIST:** This is pretty customary in the private sector, though. It's [INAUDIBLE] in--

**McCOLLISTER:** Fair enough. That's good to know. Thank you.

**HUGHES:** OK. Any additional questions or comments?

**McCOLLISTER:** Move approval.

**HUGHES:** Moved by Senator McCollister--

**SLAMA:** Second.

**HUGHES:** --to approve. Second by Senator Slama. I will keep the vote open for Senator Lowe, since I know he is on the way, Senator Lathrop is out of the state, so if-- if-- if we need to and he chooses to. So with that, Katie, if you'll call the roll, please.

**KATIE BOHLMeyer:** Senator Hilgers.

**HILGERS:** Yes.

**KATIE BOHLMEYER:** Senator Slama.

**SLAMA:** Yes.

**KATIE BOHLMEYER:** Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

**KATIE BOHLMEYER:** Senator McCollister.

**McCOLLISTER:** Yes.

**KATIE BOHLMEYER:** Senator Lowe. Senator Geist.

**GEIST:** Yes.

**KATIE BOHLMEYER:** Senator Vargas.

**VARGAS:** Yes.

**KATIE BOHLMEYER:** Senator Hughes.

**HUGHES:** Yes.

**KATIE BOHLMEYER:** Seven yes.

**HUGHES:** OK, very good. Next personnel policy.

**JANICE SATRA:** The second proposed amendment is to the section on military leave. With this change, paid military leave benefit available to qualified staff would be increased from 120 hours to 440 hours per calendar year. This change is also in response to the collective bargaining agreement that was made for all state-- and then made for all state employees, and would also be retroactive to November 1.

**HUGHES:** OK, pretty straightforward. Any questions or comments?

**VARGAS:** So moved.

**SLAMA:** Second.

**HUGHES:** Moved by Senator Vargas, seconded by Senator Slama, to approve the personnel policy regarding military leave. Katie, you want-- will you call the roll, please?

**KATIE BOHLMEYER:** Senator McCollister.

**McCOLLISTER:** Yes.

**KATIE BOHLMeyer:** Senator Geist.

**GEIST:** Yes.

**KATIE BOHLMeyer:** Senator Hughes.

**HUGHES:** Yes.

**KATIE BOHLMeyer:** Senator Hilgers.

**HILGERS:** Yes.

**KATIE BOHLMeyer:** Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

**KATIE BOHLMeyer:** Senator Vargas.

**VARGAS:** Yes.

**KATIE BOHLMeyer:** Senator Slama.

**SLAMA:** Yes.

**KATIE BOHLMeyer:** Senator Lowe. Seven yes.

**HUGHES:** OK, very good. Next item, approve the contract for LB406, the STAR WARS Committee.

**HILGERS:** Want me to go?

**HUGHES:** Yeah. Speaker Hilgers.

**HILGERS:** Thank-- thank you, Mr. Chairman. So the L-- if you-- well, you may recall L-- LB406, which created the STAR WARS Committee, included a provision providing that the committee could, under certain circumstances, hire consultants and those-- the appropriation for those consultants, the-- the appropriat-- the dollars could come from the appropriation given to the committee pend-- if two things happened: one, that the language of the statute-- or three things-- two, it was approved by the STAR WARS Committee or recommended by the STAR WARS Committee, and then, third, approved by the Executive Board. We have such a approval request from the STAR WARS Committee here. They're-- the-- the STAR WARS Committee is working through potential one-off investments and, as part of those, we're looking at drafting what we think could be some potentially complex legislative

language. And we have retained a law firm, Fraser Stryker, to help us. They were a firm that was involved with the development of MECA back in the early 2000s and had some expertise in this area, and so they did a flat fee. It was a-- I think \$20,000, if I recall, was presented to the STAR WARS Committee. That STAR WARS-- the STAR WARS Committee unanimously recommended approval of the contract to the Executive Board. And so I think that's the motion we have today is just the final approval, so the-- the funds come out of the appropriation. The last thing I'd say is roughly \$2 million were appropriated to the STAR WARS Committee and we-- we are under budget, so we've got some room in the budget for this expenditure.

**HUGHES:** So this is for consulting on--

**HILGERS:** Correct, yes.

**HUGHES:** --potential legislation, correct?

**HILGERS:** Yes, correct. Yes, that's right. Yes, that's right. That's exactly right. We-- we made sure that it fell within the-- the parameters of the statute.

**HUGHES:** OK. Senator Vargas.

**VARGAS:** Is this one time or you consider it to be somewhat ongoing, kind of like the initial, you know, payment for services, it could extend?

**HILGERS:** There's a-- it's a great-- thank you, Senator Vargas, for the question. There's-- there's two pieces that were proposed to us from the law firm. The first was the concept because it's pretty complicated. There are a lot of moving parts, so the-- the-- what's in front of us today that's been from STAR WARS Committee is the flat fee for that piece. There is, however, a proposal that the STAR WARS Committee will take up-- it has not yet-- again, a flat fee for drafting of the legislation, so I do anticipate to preview that without-- understanding the STAR WARS Committee could disagree with me, but I-- I certainly think that there's a good likelihood that the-- the-- this committee will have a subsequent request to approve the second phase. Outside of that, that's-- that's all that I anticipate.

**VARGAS:** But also it's Fraser Stryker?

**HILGERS:** Same-- same law firm.

**VARGAS:** Yeah, same-- same law firm, OK.

**HILGERS:** Same law firm, flat fee, and it's not hourly--

**VARGAS:** OK

**HILGERS:** --so there wouldn't be any ongoing fee on that or overrun.

**VARGAS:** OK.

**HUGHES:** OK. Senator Geist.

**GEIST:** And that appropriation would fall within the \$2 million that was appropriat-- that-- that-- your budget?

**HILGERS:** Yes, correct. Correct.

**GEIST:** OK. And you're under budget, so you have the money.

**HILGERS:** We have some additional funds that could-- would cover the-- both phase one and potentially the phase two if that were to be approved by the-- or recommended by the committee.

**GEIST:** OK.

**HUGHES:** OK. Any-- Senator McCollister.

**McCOLLISTER:** Yeah, thank you, Mr. Chairman. Fraser Stryker as one of the preeminent law firms in Omaha and they'll do a quality job. I just think they would be a good choice.

**HUGHES:** OK, so we have motion--

**HILGERS:** Yeah, I-- I would move.

**McCOLLISTER:** Second. Second.

**HUGHES:** --from Senator Hilgers, second by Senator McCollister. Any further discussion? Katie, if you'll call the roll, please.

**KATIE BOHLMAYER:** Senator Geist.

**GEIST:** Yes.

**KATIE BOHLMAYER:** Senator Pansing Brooks.

**PANSING BROOKS:** Yes.



**KATIE BOHLMEYER:** Senator Vargas.

**VARGAS:** Yes.

**KATIE BOHLMEYER:** Senator Hughes.

**HUGHES:** Yes.

**KATIE BOHLMEYER:** Senator Hilgers.

**HILGERS:** Yes.

**KATIE BOHLMEYER:** Senator Slama.

**SLAMA:** Yes.

**KATIE BOHLMEYER:** Senator McCollister.

**McCOLLISTER:** Yes.

**KATIE BOHLMEYER:** And Senator Lowe. Seven yes.

**HUGHES:** OK, very good. Next one: make appointments to the Small Business Compliance Advisory Panel. Would you give us some background on this, please, Janice?

**JANICE SATRA:** Well, this is not my area of even understanding, but the Clean Air Act required that states, as part of a technical assistance program to help small businesses comply with the Clean Air Act, establish a small business compliance advisory panel. That was back in 1990. In response, the Legislature then created the small business assistance program within the Department of Environment and Energy and provided for the appointment of a Small Business Compliance Advisory Panel. There are seven members of the panel, four of whom are appointed by the Executive Board. And one of the four, there is no term limit. I mean, they're there until they choose to resign or leave for some reason. And so the current legislative employees, of which there are three-- Jim Hell-- Hellbusch, Jack Schreiner, and Rick Bett-- Bettger-- are still members; and then we have the-- Steve Rexroth, who recently resigned, leaving the vacancy that we need to appoint.

**HUGHES:** Do you know how often they meet?

**JANICE SATRA:** I do not.

**HUGHES:** OK, so this information went out to everybody and I got no names. Senator McCollister did bring us a name today, so I-- I guess I would propose that we postpone a decision on this until we have a chance to look at who Senator McCollister brought us, and, you know, a reminder to all of us to think about there maybe somebody out there that would fit this [INAUDIBLE]. So I think we'll pass over that if that's agreeable with the rest of the committee.

**HILGERS:** Yep, that sounds good.

**HUGHES:** Senator McCollister.

**McCOLLISTER:** Yeah, I'll be happy to forward the name and phone number--

**HUGHES:** OK.

**McCOLLISTER:** --of [INAUDIBLE] are you doing to anybody that wants to talk to him. He's a quality guy. Kids were in little-- played sports together, so.

**HUGHES:** OK.

**McCOLLISTER:** Good, so--

**HUGHES:** Any other discussion on that item? OK, we'll pass over that. Last item on our agenda is adopt the policy for the mothers' room. We have all seen a copy of that policy and we'll open it for discussion. Senator Hilgers.

**HILGERS:** Briefly, I'd say thank-- first, I thank Senator Hughes and counsel for the Exec Board for putting together and taking the time to put through-- put together the policy. I've read it. I intend to vote to approve it. I-- I think it's an important step to take. I will tell you, I will say, just for the record, I-- I spoke with Senator-- I've had several conversations with Senator Cavanaugh, including yesterday. I think it's fair to say that she does not agree with the policy as drafted, but there are a couple issues that I talked to her about that I told her I would work subsequent to adoption of the policy to see if there's any more like logistical types of concerns and things that we could work through, so I-- I-- I look forward-- hopefully the policy gets adopted today, and I-- I told her I'd work with her and the Chair to see if there's any-- any issues that could be addressed after this.

**HUGHES:** OK, Senator McCollister.

**McCOLLISTER:** Yeah, I'd ask either the Chair or Senator Hilgers, in what way-- in what ways does the proposed policy fall short in Senator Cavanaugh's estimation?

**HUGHES:** I-- I have not had a conversation with Senator Cavanaugh. I mean, she-- we have not had the opportunity to get together to talk about this, so I can't-- I don't know what her concerns are. I have not had communication with her. And I don't know--

**JANICE SATRA:** I have not had communication regarding her specific concerns.

**HILGERS:** I-- I want-- I'll just briefly outline a few-- a couple that we've talked through, some of which don't, in my opinion, don't have ready answers but just need to be worked through and I didn't think were-- justified holding up, I think, this important step, which I-- what I think is a very good policy. Some of those include the-- the access after-- after-hours access, so who gets access, how do we ensure that the room is secure, how many people can use it at once. There's some question with HVAC. I know the doctor of the day has been moved from the doctor's typical spot, where they have the privacy both to work with senators with-- if they have any medical issues, as well as have a secure location for medical records. At least in the near term, there was some suggestion to have-- when the mothers' room wasn't being used, to have that as a potential space to accommodate dur-- just, at least, during the HVAC renovation. I think those were some concerns there. I think those are a couple of the high-level ones. I certainly don't want to suggest that's a comprehensive list of her sugg-- of her concerns, but those are the ones that I was focused on.

**PANSING BROOKS:** I-- I just--

**HUGHES:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. I-- I-- I know that one of the concerns that I have is that if they're going to share it with the doctor of the day, so a pregnant mother or a mother who's nursing is going to go into a room that possibly somebody has had COVID and has been treated or looked at by the doctor of the day. To have those two, those two types of conditions in the same room, to me makes absolutely no sense. And who gets priority when-- is the mother supposed to wait? Or if the doctor has a senator that wants to be treated, does the mother have to wait outside until the-- the doctor is done looking at the-- and-- and will the doctor wipe down after somebody sneezed all over and he's been looking down their throats

and whatever it is that the doctor's doing? So I have complete concerns about that. I don't think that-- I-- I appreciate coming-- trying to come up with some sort of solution, but to me this isn't a solution. It's a-- there's no acknowledgment of the fact that somebody has purchased furniture, they've purchased a changing table, they've purchased all sorts of things. It doesn't have water, in my memory, in the doctor's room, does it? Does the doctor's room have water?

**HILGERS:** I don't believe it-- the-- the old one did not.

**PANSING BROOKS:** Yeah.

**PATRICK O'DONNELL:** Well, you have water adjacent to it in the-- in the cloakroom, but was there water in the room? No.

**PANSING BROOKS:** Yeah. If you're trying to wash off your breasts or do something like that, which is something that some women do, how is that-- how are they to do that?

**PATRICK O'DONNELL:** Well, Sen-- Senator, you have-- I'm confused. Are you talking about the proposed place or are you talking about the-- the doctor's room as it exists?

**PANSING BROOKS:** Yes, the doctor's room as it exists now.

**PATRICK O'DONNELL:** Well, I'm-- I-- I will tell you I don't know. I mean, it has been used for that, not a lot, but it has been used for-- for lactation room purposes. The room that is currently the lactation room was implemented during Speaker Hilgers, when he was Chair of the board, as you know, last year. Can't remember if it was '19 or '20. What we did before, I-- I can't speak for that. I'm sorry.

**JANICE SATRA:** The current mothers' room has water--

**PANSING BROOKS:** Yes.

**JANICE SATRA:** --the one that is--

**PANSING BROOKS:** That's correct.

**JANICE SATRA:** Right.

**PANSING BROOKS:** And that was intentional and created that way.

**JANICE SATRA:** Right. And the doctor of the day would be coming into that room only if it's not otherwise-- otherwise being used.

**PANSING BROOKS:** And it's with a key, so, what, are they knocking to see if somebody is in there?

**JANICE SATRA:** If the key isn't available, they know there's somebody in there.

**PANSING BROOKS:** OK.

**PATRICK O'DONNELL:** Yes.

**JANICE SATRA:** The doc--- the doctor of the day would have--

**PATRICK O'DONNELL:** And the way this works, Senator, we keep the key. I mean, our office now is right next-door to that, so if someone wants to use the room, they come in and ask to use the key. And if there's somebody in there, obviously, they-- it's not going to be available instantaneously. If there's no one in there, they're welcome to use it. And that's what I would envision working with the doctor-of-the-day room as well. I will tell you, if-- and Speaker Hilgers and I talked. Mother of the -- the lactation room has priority, OK? So if there's a nursing mother in there, they will have priority over a doctor who may want to consult with a member or a member who's reached out to the doctor, and they'll just have to wait.

**PANSING BROOKS:** And what I was responding to, as you said, there's-- there's water right outside of the room and so--

**PATRICK O'DONNELL:** In-- in the current doctor's room--

**PANSING BROOKS:** OK.

**PATRICK O'DONNELL:** --in the-- in the lounge, in the cloakroom.

**PANSING BROOKS:** I know. That's what I'm saying--

**PATRICK O'DONNELL:** OK.

**PANSING BROOKS:** --that that's-- I mean, that's OK if you want to wash your hands. It's not OK if you're cleaning your breasts, so--

**PATRICK O'DONNELL:** That I-- I don't disagree.

**PANSING BROOKS:** Yeah, so just a-- just a--

**HILGERS:** But there's-- Senator Pansing Brooks, but I just don't-- just to make sure, I don't-- I-- maybe-- maybe I'm the one confused, which is possible, certainly. But this, what I'm hearing is a question as to whether or not there's water in the current mothers' room, but the one that would be reimplemented once this policy is adopted, that there is water in that room, not adjacent to the room, in that room, so I think that--

**PANSING BROOKS:** In the doctor's room?

**HILGERS:** Which doctor's room? I'm sorry.

**PANSING BROOKS:** In the doctor of the day's room.

**HILGERS:** The doctor of the-- the-- the room that was pre-HVAC movement was not.

**PANSING BROOKS:** OK.

**HILGERS:** Oh-- there was not water in that room, is that-- what I'm hearing the Clerk say.

**PATRICK O'DONNELL:** That's true.

**PANSING BROOKS:** OK.

**JANICE SATRA:** And post-HVAC, the doctor of the day's room would become the doctor of the day's room again. This isn't a permanent [INAUDIBLE]

**PATRICK O'DONNELL:** Yeah, I mean-- yeah, when we're done with phase three, there will be a new doctor-of-the-day room constructed, or at least that's the plan, as we said here, in the cloakroom, as it was before. It'll look different, but it's-- we're going to-- there will be a new doctor-of-the-day room, but it won't have water in it either. I mean, it will be outside the room as it--

**PANSING BROOKS:** That-- that-- then the mothers' room is not going to be there anymore, is it, or is this permanent?

**JANICE SATRA:** Yeah.

**PATRICK O'DONNELL:** Oh, no, no, the mothers'-- I think the plan is the mothers' room stays where it is or will-- where it will be after you guys make your decision today.

**PANSING BROOKS:** And then-- and then it's not available for anybody visiting the Capitol or it's only staff. Is that correct?

**PATRICK O'DONNELL:** Well, I'll let the-- Senator Hughes speak to that, but I believe that's the plan, because obviously the building is open 8:00 to 5:00. You-- you're going to have to make a decision as to who you want to use it. I know Senator Cavanaugh had some strong feelings about that. But in-- I-- you know, I just-- I don't know how to respond to that other than I think that poses a whole new set of challenges if it's open to-- open to the-- to the-- I'll say world. I don't mean to character-- be dramatic when I say that.

**HILGERS:** Patrick, I'm going to jump in here a little bit.

**PATRICK O'DONNELL:** Yes, sir. I'm sorry. [INAUDIBLE]

**HUGHES:** I-- we-- we have kind of somewhat lost sight of the fact that we are in a major renovation. The northwest quadrant of the building, which is the largest space that the Legislature controls within the building, is gone to us. So we have 22 senators in the tower, so a good portion of our colleagues, not quite half, and several of you are in the tower. So there-- there are some inconveniences that have been dealt with and we're getting through those. And that's part-- the-- the inconvenience of losing the mothers' room for a short time is not any greater than anything else any of the rest of us have been having to deal with. Now the doctor of the day's room as we know it is gone. It's no longer there. I feel it's important that we do have a space that is secure for the records and also for the privacy of senators who wish to utilize the gracious donation of our doctors that show up and help us. I've used them myself, and I appreciate that fact. And I have no concerns that if we have a licensed medical physician using that room, that they are going to do the due diligence that they would as if it were their own office as keeping a clean and safe from COVID or whatever else. But there's also some responsibility for us as senators when we choose to show up. You know, I-- I think we have a heightened sense, if we have a fever, we're-- we shouldn't show up for work that day or, you know, whatever. So I think it's very important that we kind of-- we've-- we've gotten a little-- drilled down a little too far on this one issue and we've kind of forgotten what the big picture is. The other thing that-- that Patrick alluded to is the Capitol Commission controls the building. We have space that we are allocated within the building. You know, just because someone donated some money for a specific purpose, they didn't get title to that room. We have lots of opportunities to switch things around for the maximum benefit for the majority of the people in the building, and that's-- that's what this

is. And I've committed that the mothers' room will be back in service as soon as possible, and I'm not backtracking on that at all. The proposed policy came from Janice. The only-- the only input I had on that was when there was concern about where the doctor of the day would be since that room is gone. And I-- somewhere secure, somewhere not too far off the floor, somewhere where we have-- can store the records, and to me that's the obvious common sense. Is it perfect? No. Maybe once we get completely done with the HVAC and there's no senators in the tower and we have agencies that can be relocated back to the building. You know, the big picture is we've got a ten-or-more year project that is tens of millions of dollars in-- to redo this building, and we're fighting about one room for two years? You know, people have to make sacrifices, and we're trying to figure out a way to get that room back for nursing mothers, pregnant women as quickly as possible. But in the meantime, there's got to be some give-and-take along the way.

**PANSING BROOKS:** Have-- have we done give-and-take on ramps for disabilities? Are we-- are we making sure that-- I mean, I appreciate this information that's come out because it talks about nondiscrimination and that there are explicit laws, nat-- federal and state, regarding--

**JANICE SATRA:** Yes.

**HUGHES:** Right.

**PANSING BROOKS:** --discrimination on the basis of-- of breastfeeding or lactation. And it's fine to say, oh, well, this is just for a little bit. And, you know, for-- for the efforts that people are making to support families and children, to-- to act as if this is just some little inconvenience, we could build a portion-- there could-- there could actually be a room built, just like they build an entire stairway and step into this-- into this building, as they've done three different times on-- around this whole building. I mean, to say that this is-- is nothing and that we all have little inconveniences that we have to put up with, yeah, I-- I'm the only female in the senior class and I'm up in the tower. I understand those inconveniences clearly and-- but to say that people who come to this building and-- and have to have an ability to breastfeed their child and say, oh, big deal, you know, that it's just a little inconvenience for the next, what, year-and-a-half or two years?

**HILGERS:** We have a nursing pod that has been provided by the Capitol Commission on the first floor that is open to the public. The legislative space is not open to the public. Do you leave your office



unlocked at night? You know, we have a responsibility to our constituents for the space and--

**PANSING BROOKS:** Why couldn't we put Security in charge of that instead of having the Clerk's Office in charge of it?

**HUGHES:** Because the Clerk's Office is right next-door.

**PANSING BROOKS:** OK.

**HUGHES:** And having security have a key--

**PANSING BROOKS:** We're worried about--

**HUGHES:** --how long is it going to take them to get up there?

**PANSING BROOKS:** I don't know, but we're worried about how long the building is open. It ought to be available.

**HUGHES:** Well, I think the pod is open as long as the building is available. It's not-- this is not the only space that we have. This is a space for senators and staff, and I'm sure a senator, if a-- they had a guest, they can probably bring them in there to utilize that space. Senator Vargas.

**VARGAS:** I didn't mean to interrupt. I just wanted to [INAUDIBLE]

**HUGHES:** No, that's fine.

**VARGAS:** So, one, I-- I do want to thank you for putting this together with-- it goes without saying. I know there's work done. And for those of the public that are watching, and-- we don't-- we're usually just moving forward on these because they're easier, so we're literally debating it for the first time here and trying to work through it, which I really appreciate. I had a couple of questions. And there's some-- there's certain things that I agree with that you're saying, Senator Hughes, or Chairman Hughes, and there's certain things that I-- I disagree with and kind of speak to what Senator Hilgers just brought up, that Senator Cavanaugh brought up with him. And they stood out to me, honestly, and I'll-- I'll tell you why. But the first question I have was just about, and Senator Geist mentioned this when we were looking at the first policy, which is we often look to what other, you know, what other policies or best practices are to make sure to apply them somewhat equally or equitably. The question I have is, how are other states approaching mothers' rooms in their policies? Is that-- what was that sort of

research or did we contact NCSL? Did we pull any of that? Yeah, what-- what did it look like? Just so-- for the record.

**JANICE SATRA:** It-- it was varied. I mean, it-- it really varied, and you didn't necessarily drill down into those-- in that research as to whether they provided water in a particular room. Some did; some didn't. I mean, they didn't really address that. Obviously, federal law requires certain things. A sink, for example, is not one of them, but it would-- it's-- it is desired, but it's not necessarily required. But you have to have a private space for mothers.

**VARGAS:** OK. Well, and-- I would, in the same vein, and I was nodding along when Senator Geist mentioned this, I would like us to be more of a leader on this when we're looking at what other state legislatures are doing, both for the public and for staff, because I don't know how many of us can speak to this right now, if they are either pumping or breastfeeding, I'm not dealing with it personally, but I-- my-- my wife is and I can tell you, for the last three years, if you're telling a-- a mother that is breastfeeding or pumping the number of instances where you don't have a dedicated room, which is one of the issues that I heard, people make unnecessary tradeoffs and then want to ask for that room to be used for the purpose it is if it's shared for another reason. I've literally had this conversation with my wife, who said, I'd rather just-- I'm going to-- I don't want to ask. You know, it's putting another inconvenience on the mother. Or if there is one space that has a-- for you to store milk, if there's one space and somebody is using it, you'd have to wait to then be able to access that refrigerator. That doesn't make logical sense. If somebody is leaving at 3:00 or 5:00 and is trying to come in and they have to knock on the door and disrupt that person pumping and/or wait to then be able to get their breast milk to be able to head home, and people go [INAUDIBLE] at different hours. So there's that issue about whether or not we're restricting access to one person for the refrigeration of their milk. There's issues to the alternative use that I did mention. I mean, I understand that they take priority. But in the unnecessary likely-- in the likelihood that there's a doctor that utilizes the space, we're basically telling that individual you have to ask to make sure that you're a priority, you're not-- if you were a priority, this would just be dedicated no matter what. We wouldn't have to go through asking somebody to acquire it. And the last thing is, I do think the access-- the outside access is important because we have staff and people that work beyond normal business hours. And I don't know about you, but I have constituents that come to my office and they have utilized the front of my offices when I had an extra room in my office to be able

to breastfeed or pump. And right now, I offer that to my constituents, and I may not leave my door unlocked, but I want to be able to have that ability to offer that to constituents when they're coming in to testify and coming to the Capitol because it's the people's house. Those are some of the issues that come up for me because they personally, through my, you know, through my wife and the people that I've worked with in the past, even when I was leading a nonprofit, like so as a working conversation, I would-- my recommendation is this is great for us to talk about and is an incredible start, but there are best practices we can look to implement and modify before we take on a policy that clearly does really affect a certain population and maybe not all of us immediately, right now, at this moment. And I would like to do a little bit more due diligence, but-- not due diligence. I'd like to improve on what is already really great about this and make it better because there are parts of this that I think are good. There are parts of this that I think could be substantially better. That's what I would like to do.

**HUGHES:** Senator Slama.

**SLAMA:** Thank you, Chairman Hughes. And I just wanted to take a moment to recenter this on the basics of what it took to craft this. So first off, thank you so much, both to you, Chairman Hughes, and to you, Janice, for crafting this policy. I think it does a great job of coordinating both the concerns raised, which were pretty extensive, and I'm really glad we're talking about that here today, but also like the realities of 25 percent of our building that operates at capacity most of the time being out of commission with the HVAC renovation. I think you're dealing with unprecedented challenges in terms of capacity with this building, and I think you handled that very well. We have public facilities already available with the pod. And whether or not we want a specified room on top of that, I mean, we can talk about that. I support this policy as written and I think we can have more discussion. But with that, I'd like to have the motion be on the table. So with that, I'd move for the adoption of the policy as written.

**HUGHES:** There's a motion on the floor. Do we have a second?

**HILGERS:** Second.

**HUGHES:** Second by Senator Hilgers. Senator McCollister.

**McCOLLISTER:** I find, Mr. Chairman, your-- your comments to be persuasive. But I am wondering if, since we have not talked to

Senator Cavanaugh, either you or Janice, I'm wondering if we wouldn't be wise to pause and some minor accommodation could be fashioned. I-- I think that would be better than moving forward with this now, so I don't support the motion and I would later move to table the motion until we can at least give Senator Cavanaugh an opportunity to speak to the issue and maybe talk to the committee as well.

**HUGHES:** Senator Hilgers.

**HILGERS:** Thank you. Thank you, Mr. Chairman. And I appreciate and acknowledge Senator McCollister's comments and think in many cases that would be the right-- wise course. I think, in this case, I would prefer-- I will be voting yes, and let me explain-- explain why, because I think-- I think at the end of the day, being able to acknowledge those concerns and try to work through them while also implementing this policy, I think, is the wiser course, and-- and a couple reasons why. Number one, by adopting this policy, we can actually get the mothers' room back into-- back and-- and back into commission, which I think has been a goal for several months. It's been a lot of work from the Chair, from legal counsel. By delaying the vote, by not-- not implementing the policy, we won't have the room. And so if the-- part of the goal is to get this, even if it's 90 percent or 95 percent into action, I think adopting the policy today is critical. Secondly, I think a lot of these concerns, we'll have a better sense when they're less theoretical, actually, once it's back into commission, we have the key, we see how it's working with the Clerk's Office, we see what kind of-- what the num-- numbers are for the public, who, what other issues might come-- might actually come to the fore that we maybe are not considering now. And so I actually think, by moving forward with the policy, getting the mothers' room back into commission, we are better off even addressing those concerns while also making sure that the room is in order here in the near future.

**HUGHES:** Just a couple of points. So the-- I cannot imagine a mother expressing milk and leaving it in that refrigerator during the day. I think a majority of the offices in this building have their own refrigerators, and I cannot imagine a mother leaving her milk there, knowing that someone else could come into that room and tamper with that. Yeah, I-- I-- I just do not buy that argument. I think having a refrigerator in there is important, but for them to leave that product there, their milk, with the chance of someone else coming in there, just-- I-- it-- it's incomprehensible to me. We're only talking about 60 or 90 days every year, when the Legislature is in session, that the doctor of the day could possibly have access, and

that's for the next two years. So we're not saying it's-- there's going to be a doctor in there every 15 minutes seeing patients like they do in their clinic. But thank you, Senator Slama, for helping us understand the magnitude of the undertaking of the HVAC that we're-- we're involved in. And the northwest quadrant is mostly all legislative space and we've all moved and we'll move back in two, two-and-a-half years, whenever it's done, and then things can be back to normal, unless you're in the northeast quadrant and then things will be disrupted for you. But we need to remember this is not the only place in the building for mothers to go to breastfeed or to express milk. There is a pod that is open to the public. You-- my understanding, you download an app and they send you a code and you can get in. If it doesn't work, then you go to Security and they have a key, so. Senator McCollister.

**McCOLLISTER:** Yeah, I just ask, has Senator Cavanaugh had an opportunity to react to the proposed agreement on the mothers' room?

**HUGHES:** When I sent this draft to you, I also sent it to her.

**McCOLLISTER:** Did she respond to you?

**HUGHES:** She did not respond to me. I think she may have talked to Janice, but I don't know that.

**JANICE SATRA:** She did talk to me and mentioned she would possibly have a policy of her own to present.

**McCOLLISTER:** And-- but she did not give that to you.

**HUGHES:** And this, this policy can be amended. I mean, we have policies that we amend. I mean, we amended a couple this morning, so as more information and we massage it and figure out a better way to do it, I'm not opposed to that. You know, I-- we just need to get this done so we can get the mothers' room back in service. Senator Vargas.

**VARGAS:** So I hear the urgency. What-- the part that I'm having a hard time with is that if Senator Cavanaugh-- it's not just about Senator Cavanaugh, but if there's alternative language for us to consider, and again, the-- the things that I most-- mostly wrote down here are just, you know, access outside of normal hours, no alternative use for this space, having multiple places for people or not restricted access to being able to refrigerate expressed milk, I mean, those are-- those are three very tangible things that I think we can work on. But I don't know what language, what sort of language [INAUDIBLE]

other than just saying we make this use-- utilize beyond work hours during the session, during the 90-day or 60-day session, this is 100 percent dedicated space, not-- and I under-- I hear the conflict with the doctor, with the doctor of the day, but I still, based on my understanding from talking to others, because I've worked on a couple of breastfeeding policies in schools, once we implement it, it sends a message to mothers and/or people coming here to either breastfeed or express milk and it's not-- we're not going to get retroactive feedback on how to make it better. It's going to be that's the way it is and we're gonna have to deal with it. I've mentioned this before on the mike. I-- I have had people come to my office to do this. There's a whole underground network that's been mentioned in testimony before from bills that Senator Cavanaugh brought. If we send-- do this again, we're sending the message you have to figure it out largely amongst yourselves or use the pod and use this room under these guidelines. And I just want to figure out if there's a way that we can make it better, not that this is terrible or worse, but how to make it better. And I think we owe it to us to look at what that language might be from Senator Cavanaugh. Otherwise, I'm happy to talk about some of these amendments just saying completely dedicated use just for-- just for the mothers' room and not for the doctor of the day. We can kind of go through these, but that's what I would like to try to do because--

**HUGHES:** Well, this-- this is a policy that we need to get in place in order to get the mothers' room back. I want it back in place before this session starts, so if there are-- when there are more people in the building on a daily basis, if there is a need for it, it is available.

**VARGAS:** Well, let me ask you--

**HUGHES:** And this is not probably a perfect policy, but it's a good compromise under the circumstances of a huge HVAC project. I-- I don't know what else to do.

**VARGAS:** But this is more of an operational question.

**HUGHES:** I'm not going to-- I-- I don't want to delay it.

**VARGAS:** I understand that. This is a more operational question. We delay this till January, approving the policy. What can we not do in terms of, you know, starting in the room? Is it-- what does this-- if we don't pass this, what does this preclude us from moving forward on?

**PATRICK O'DONNELL:** Well, the room is currently occupied, I think, as you know.

**VARGAS:** Yes.

**PATRICK O'DONNELL:** I think until the policy is adopted, I don't know if there are plans to move anybody, so I'm not sure the room would be available until the board's adopted some kind of policy.

**VARGAS:** So if we move the policy and-- but we consider it back up at the beginning of the year, we have it on the agenda and have Senator Cavanaugh here, then we can look at actual language in regards to that policy.

**HUGHES:** If-- if-- once we adopt this, if it wants to be amended, bring it back to the board.

**VARGAS:** Well, I mean, I'm asking you as the Chair for us to then dedicate time for us to do it, not whether or not just one of us bring it, because it's clearly important. You know, some of those things Senator Lathrop, Senator, you know, Sen-- I think Senator McCollister and I and then-- and Senator Pansing Brooks brought up some questions regarding this, so it's worthwhile for us to have the conversation again.

**HUGHES:** I-- when we have a Executive Board meeting and you want it on the agenda, we will put it on the agenda.

**VARGAS:** So can we work with Senator Cavanaugh to schedule something the first of the year?

**HUGHES:** Sure, I-- I don't care who you work with.

**VARGAS:** Well, I'm asking you--

**HUGHES:** That's not for me to tell you who to work with.

**VARGAS:** I'm-- I'm just asking if we can-- if-- if you as Chair can coordinate with Senator Cavanaugh for us to have-- find time at the beginning of the year to bring this back up, not saying we're not going to move on it today-- that's still the motion, and I think that's what will probably happen-- but for us to still have dedicated time for her and any other people and the public to then come and weigh in, not necessarily weigh in and public comment, but to weigh in to see if there's anything else we can do to improve on the policy.

**HUGHES:** I-- that's fine if you want to have it on the-- our agenda, that's-- I have no problem with that.

**VARGAS:** OK, great.

**HUGHES:** OK. Senator Slama.

**SLAMA:** Yeah, and I-- I think Chairman Hughes has raised a solid point of this is a great policy to have in place to ensure that we have access to a mothers' room for the next month until session. I don't want to be part of the group on the Executive Board opposing this and keeping a mothers' room from being accessible for a month. And I think that this, even if you think there needs to be changes, even if you think there needs to be adjustments, that this is a good policy that will work, even if you oppose parts of it right now, that can function well for us until we can come back in January when we're in session to handle it. So I'm-- I'm still very much in support of adopting the policy, but I'm also open to having those conversations in January with any adjustments that might need to be made, and I think everybody on this board is on board with that as well.

**HUGHES:** Any additional comments? Senator Pansing Brooks.

**PANSING BROOKS:** I'm just hoping that-- that you can speak with Senator Cavanaugh and that you can help. I don't know why there's not been a discussion. I understand that Senator Hilgers has spoken with her, but I'm not sure why, as chair of Exec, you haven't.

**HUGHES:** I-- she has not reached out to me. I've reached out. We've exchanged texts and she never got back to me on this issue specifically.

**PANSING BROOKS:** So--

**HUGHES:** So my-- my door is open. My-- my staff is always answering the phone and they can certainly give my cell phone number. I'd be happy to visit with Senator Cavanaugh-- Cavanaugh anytime.

**PANSING BROOKS:** And-- and I just want to add that-- that one of the hardest sticking points for me is asking permission to go breastfeed. If I had to go every day and ask permission from the Clerk to go to the bathroom, that-- I would resent that significantly.

**PATRICK O'DONNELL:** Senator, you're not-- you're not asking me permission. You're asking to have access to the room.

**PANSING BROOKS:** It-- it's--



**PATRICK O'DONNELL:** You'll get the key if you ask.

**PANSING BROOKS:** I understand, Clerk--

**PATRICK O'DONNELL:** So I-- I'm not being argumentative.

**PANSING BROOKS:** Yes--

**PATRICK O'DONNELL:** I just-- I-- I-- I don't think that's a correct characterization of what's going to happen.

**PANSING BROOKS:** It-- what I'm saying is that going and asking, may I have the key, please, is a request to have the key. That is asking permission to get the key. If somebody-- if the doctor's already in there, the answer is, no, you can't, you're going to have to wait, so it is asking permission. If I had to go and ask for a key to the bathroom, of course, that sounds silly to everybody. But if I had to ask for a key to the bathroom, I would resent that as much as I would resent going forward and asking permission and a key to be able to go in and express milk for my baby. That's what--

**JANICE SATRA:** OK. Does this make a difference? The key is just hanging there. It's don't-- you don't have to ask anybody. You just go and grab the key and go. If the key is not there, you know another mother is in the room currently.

**HUGHES:** Well, but-- but the point is, would you be more comfortable going into a room that you know is open to the public, that anybody-- and even on the second floor by my office, we have individuals who walk through that I certainly would not think you would be comfortable knowing the possibility they have been in the room. Having that room secure is extremely important, in my opinion. And I think for the peace of mind of breastfeeding mothers or expressing mothers, that that room, that they know that there's limited access to that room and the people who have been in there are very conscious of the use of that room and act accordingly while they are in that room.

**PANSING BROOKS:** I would just say that you could say the same thing about a bathroom. If somebody is going to go in to express, then they want to be able to go in to express. They'll lock the door if they're in there, or not, or however it was set up with the-- with-- if there's two places that are squared off and private within. So it-- I think the idea and the thought of security is one that shifts the whole frame. We don't have security when we go into the bathroom to use the bathroom, and so it's the same kind of situation. But anyway,

I know that we all-- I-- I wish, you know, in a way, we had more people here talking about it. I-- I think it is a-- a situation that is very difficult. I think that we may have opened the Pandora's gates by starting this because now we have issues of-- of making sure that we are not treating sim-- similarly situated people, i.e., pregnant women, differently. So the fact that you are a pregnant woman coming to this building versus a pregnant woman who's already working here, that is a question to me whether or not that's-- that's an equal protection argument, similarly situated people.

**JANICE SATRA:** But there is the pod, and the pod is state-of-the-art, purchased by the Capitol Commission for the public and their employees. In fact, when I talked to the Governor's Office about a room many, many months ago, they reminded me they had purchased the pod. That was their option for the public and for their employees.

**PANSING BROOKS:** And again, that--

**JANICE SATRA:** I'm not sure what the court is doing.

**PANSING BROOKS:** --no water, but, yes, OK.

**JANICE SATRA:** Yes. Yes, that's very true.

**HUGHES:** Any further discussion?

**PANSING BROOKS:** I have none. Thank you.

**HUGHES:** Senator McCollister.

**McCOLLISTER:** One last question: Was notice given on this meeting in the-- on the pink sheet?

**JANICE SATRA:** This isn't a public hearing, Senator. This is a meeting, so we don't give notice on the pink sheet.

**McCOLLISTER:** I understand. Thank you.

**JANICE SATRA:** We did put notices in the press boxes.

**McCOLLISTER:** Got it.

**HUGHES:** So the motion is to approve the mother-- the mothers' policy.

**GEIST:** Second.

**HUGHES:** I-- I think we have a motion and a second already.

**JANICE SATRA:** We did.

**HUGHES:** Katie, would you call the roll, please?

**KATIE BOHLMeyer:** Senator Hilgers.

**HILGERS:** Yes.

**KATIE BOHLMeyer:** Senator McCollister.

**McCOLLISTER:** No.

**KATIE BOHLMeyer:** Senator Geist.

**GEIST:** Yes.

**KATIE BOHLMeyer:** Senator Vargas.

**VARGAS:** Abstain.

**KATIE BOHLMeyer:** Senator Slama.

**SLAMA:** Yes.

**KATIE BOHLMeyer:** Senator Pansing Brooks.

**PANSING BROOKS:** No.

**KATIE BOHLMeyer:** Senator Lowe.

**LOWE:** Yes.

**KATIE BOHLMeyer:** And Senator Hughes.

**HUGHES:** Yes.

**KATIE BOHLMeyer:** Five yes, two no, one abstaining.

**HUGHES:** OK, very good. Anything else to come before the committee?  
Seeing none, motion to adjourn?.

**SLAMA:** Second.

**HUGHES:** We all said aye. Thank you, everybody, for coming. Have a merry Christmas.