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Transcriber's Office

Rules Committee  
January 05, 2012

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The Committee on Rules met at 1:30 p.m. on Thursday, January 5, 2012, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on proposed rules changes. Senators present: Scott Lautenbaugh, Chairperson; Lydia Brasch; Annette Dubas; Steve Lathrop; Dennis Utter; and Mike Flood. Senators absent: None.

SENATOR LAUTENBAUGH: (Recorder malfunction, some recording lost)...you're first, you two are up first anyway.

SENATOR KRIST: Thank you. Senator Bob Krist, K-r-i-s-t. I represent the 10th District in Omaha, Bennington, and unincorporated parts of Douglas County, thanks to Senator Lautenbaugh. (Laugh) But rule number one, in terms of proposed rule changes, I won't insult your intelligence by reading it. The intent here is that we vote on very, very, very serious matters and they are public votes. I am proposing to change the rule from "secret ballot" to "recorded vote," as outlined in Section 8(a)(1-2), and it gives the mechanics of which we do that in number one and number two. I would hope that you would consider from my experience that this would add an element of integrity to the vote count taken as a potential Chairman talks to people, and that we would insist that this would be a public vote. You'll notice that it only covers the standing committees in terms of the rule changes. And I'd be happy to take any questions from you.

SENATOR LAUTENBAUGH: Thank you. Does anyone have any questions for Senator Krist? Senator Lathrop.

SENATOR LATHROP: What's the problem we're trying to resolve with this change in the rules?

SENATOR KRIST: Theoretically, you intend to challenge a Chair for an event and in my personal case, as I went from each person in the legislative body, one day Senator...as I was talking with Senator McCoy he said, I don't know how you think you stand a chance to do that because both Avery and Price told me they had at least 19 votes guaranteed as they go into the process. I said, oh, that's interesting because I have 15, and 4 soft. So you do the math. And in my particular case as we went into the vote I only received 7. Those who told me they were voting for me were in the 15 to 16 range with some soft. And then after the fact, everybody who said they were voting for me came back and said, you know what? I voted for you. Well, obviously the math didn't check. So if integrity is worth anything here and we vote on grave matters including the death penalty and abortion and all the other things and we're not afraid to vote and maintain integrity, then I don't think we should have a problem voting as a public vote for that leadership on those standing committees.

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SENATOR LATHROP: Essentially, what you're suggesting though is that when you went around to talk to some people, some people weren't quite honest with you.

SENATOR KRIST: Exactly.

SENATOR LATHROP: And that they didn't have the spine to tell you how they intended to vote with respect to your effort to...

SENATOR KRIST: Exactly.

SENATOR LATHROP: ...secure a chair. And my concern is that the very same people that don't demonstrate the spine may be moved by partisan politics and that this has the opportunity to introduce into the chairmanship races an element of partisanship. That the very same people that didn't have the integrity to tell you how they intended to vote will now vote a party line and we will unnecessarily turn chairmanships and...I don't know if this includes the Speaker or not...

SENATOR KRIST: No, it does not.

SENATOR LATHROP: ...but it would become a...it would then become a partisan issue. And...

SENATOR KRIST: It does not include special committees or the Speaker's position. I hear your concern. I understand your concern. That's not part of my emphasis. I think you've seen me and how I operate. I'm probably one of the most nonpartisan people in this body, particularly on special issues that have come up. So I would say that that's not part of my motivation. My motivation here is in talking to people who have been here prior to term limits and those that are here after term limits, sometimes there's an accountability issue that needs to come into play. There are folks in the old days...

SENATOR LATHROP: But, Bob, who do you want them to be accountable to?

SENATOR KRIST: The other people in the body.

SENATOR LATHROP: I think the problem is older than term limits. And I've heard the stories of a particular person that ran and had 15 commitments and ended up with 2 votes. And while that demonstrates a lack of maybe spine or candor when people come around to talk to you about not...I don't mean you, but somebody running for a chairmanship, I think this will have the effect of partisanship. And that's the concern I have with it.

SENATOR KRIST: That's why you're sitting over there and I'm here.

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SENATOR LATHROP: Okay, thanks.

SENATOR KRIST: I would ask you to consider that that's not part of my emphasis. It never came into my point of view until it was brought up several times in discussing things with different people.

SENATOR LATHROP: Okay.

SENATOR KRIST: And I respect your opinion. But I think it's an accountability issue. And when we look at our colleagues and we ask them for support in leadership positions and support in terms of bringing good legislation to the floor, which is what that leadership position is supposed to be or supposed to do, then there needs to be...if there's not an internal accountability, there needs to be an accountability in the system.

SENATOR LATHROP: Thanks.

SENATOR KRIST: Thank you, sir.

SENATOR LAUTENBAUGH: Any other questions for Senator Krist? I do have a couple. I'm assuming you're bringing this because you believe the committee chairmanships to be important positions.

SENATOR KRIST: Yes, sir.

SENATOR LAUTENBAUGH: And do you think there's a value in the public knowing who we vote for on those important positions?

SENATOR KRIST: Absolutely.

SENATOR LAUTENBAUGH: So in your mind it's just more of a transparency issue than anything else.

SENATOR KRIST: Yes, because it is the responsibility of that Chair to bring proper legislation, good legislation for fair and honest debate onto the floor. And we need to know that those people have been supported and who supports them.

SENATOR LAUTENBAUGH: Thank you.

SENATOR KRIST: You bet.

SENATOR LAUTENBAUGH: Any follow-up questions? Senator Brasch. I'm sorry.

SENATOR BRASCH: Just one. I'm trying to clarify here where...when we vote at the

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polls we vote privately. And yet that's a valid, solid vote. That's what people prefer. I'm not saying it's wrong to...as a freshman senator, last session, initially without...it wasn't part of our training, but people would tell us that people are going to come running up to you and that you don't know very well yet and ask for commitments and things where it takes, you know, some time to understand and recognize all of the hard work all of the colleagues do. I don't see the purpose of voting, when you elect someone. Yes, our issues are significant and important and so we vote by roll call. And you think it would be a better process, is what you're saying, to make it public rather than private? Or are you saying it's not private anymore when somebody tells you face-to-face?

SENATOR KRIST: What is your question?

SENATOR BRASCH: Okay, my question is, how will it improve...greater serve the body, greater serve our districts by making it a...

SENATOR KRIST: Your constituents weigh you on every vote you cast.

SENATOR BRASCH: Okay.

SENATOR KRIST: Everything that you do is a vote that you cast for a particular reason. Your leadership in choosing the Chairmen is probably one of the most important votes that you will cast because they can control the kinds of things that come out for fair and honest debate. So I believe that it's one of those votes that is critical to the transparency of the process. And it's just my belief.

SENATOR BRASCH: Okay. Thank you.

SENATOR LAUTENBAUGH: Speaker Flood.

SENATOR FLOOD: Senator Krist, my understanding is that the U.S. House of Representatives, inside their caucuses individually, have secret ballots. And oftentimes, although we're nonpartisan, you have two members that happen to be of the same party running against each other. By publishing or taking a public vote on a leadership position, does that in your mind violate the reason Nebraskans in the early 1930s decided to move away from a party-based caucus system bicameral to the nonpartisan Legislature that we have today in terms of its organization and leadership? Do you think that at all violates what Nebraskans wanted in 1930-something when they voted to establish the Legislature?

SENATOR KRIST: I don't. And the reason that I would say that it's not a player here is that if you look at the percentage of one party against another party that currently sits in the Unicameral, in the greater percentage of cases you're probably going to see two parties...the same party running against each other or at least two from the Republican

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Party and one from...if the percentages are correct and three people ran, you would assume it might be two Republicans and a Democrat. So you're being open and honest with your fellow party member as you are with the opposite party. But that's not how we do business here in terms of worrying about whether it's someone of the opposite party. So I don't think it violates that intent. In fact, I think it reinforces the fact that the best person is being elected. And people who elected me understand who I voted for.

SENATOR LAUTENBAUGH: Any other questions for Senator Krist? Senator Lathrop.

SENATOR LATHROP: Yeah. If you come from a legislative district that is 90 percent Republican and 10 percent Democrat, and I knocked doors all over my district six, seven times in my two elections. Those people come to the door and they ask you what party you are. If you are in a predominantly Republican district, and the point is to let your constituents know where you're voting, will the pressure not be there for you as a senator to vote for Republicans if your idea is to be accountable to your constituents and 90 percent of them are Republican in my hypothetical?

SENATOR KRIST: Okay. And I'll follow your hypothetical, but I'll answer you this way,...

SENATOR LATHROP: Sure.

SENATOR KRIST: I'm a Republican. I would...say that the people who told me that they were voting for me were Republicans. What precedent or what does it mean when we're saying a Republican will vote for a Republican? You're saying that there's a greater chance for them to vote for me as opposed to a Democrat because now it's being captured? I don't see in the environment that I live in, and the way I run my life and my integrity, if I tell somebody I'm going to vote for them I would. I think it's important in transparency...for transparency that our vote for the person who leads each one of those chairmanships does have a vote.

SENATOR LATHROP: Okay.

SENATOR LAUTENBAUGH: Any other questions for Senator Krist? I'm sorry, Senator Lathrop, were you done? I didn't mean to cut you off.

SENATOR LATHROP: Yes, I was.

SENATOR LAUTENBAUGH: Why don't you go ahead and open on proposed rule number two.

SENATOR KRIST: Okay. Rule number two is we have had...the reason for the rule is we have had many instances, most recently because of a death, but also because of extended illness where more members of a committee were absent than would allow for

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business to be conducted. This rule will simply change our current voting process so that if there is a quorum available at the beginning of a hearing, then business can be conducted. It's a majority of the votes that are cast, it has to be a majority. There is not an overriding number that it would take to take something out of committee. That is the rewording of this rule, plain and simple.

SENATOR LAUTENBAUGH: Any questions for Senator Krist on this?

SENATOR LATHROP: I just have an observation maybe more than a question, Bob. And that is, I'm thinking of Judiciary Committee as an example. And there are times in Judiciary Committee where we sit down at 1:30 and everybody is there. And in the middle of bill introduction these folks are getting up and introducing bills in one committee or another, maybe we have somebody over in Health and somebody over in General Affairs. And now, even though they are members of that committee, we can time a vote. And I think it invites gamesmanship in terms of the timing of a vote, even though we have people...and I'll use Senator Lautenbaugh as an example. He had, during the special session, to go try a lawsuit. Right? And so if he's called upon or I'm called upon to be in a courtroom up in Omaha for our work or anyone of us are called out of the Legislature relative to our private employment or another committee hearing, we could have somebody pull something up real quick. And now we're penalizing people for introducing a bill in another committee where they're not present or answering the call of a district court judge up in Omaha. And that's, just so that you know, that's my concern. And if you want to respond to it I'll certainly listen to what you have to say.

SENATOR KRIST: If, in the example that you used, if you're going to be absent from the committee, you can ask the vote to stay open.

SENATOR LAUTENBAUGH: Do you have a question, Speaker Flood?

SENATOR FLOOD: I do. That is wrong. They should not...committees should not be leaving the votes open the way they do it. And it's a practice that should not occur. That is not the way the system is set up. And that should be stopped. You should either have all your committee members there or not. But what's happened far too often is that they'll leave a vote open. Now on Exec Board it's different because a lot of times it's just a consent thing to reference some appointments to certain committees. But the practice of leaving the vote open is something we should confront as a Legislature, because that leads to problems. And it has led to problems and the committee states this, and I've visited with several members about this. And asking that it be left open I think complicates, you know, then if you don't make a valid request, I mean, that's why we don't allow call-in votes to the Legislature from your office. You must be present to vote. And I guess that's something that we got to be very careful with because call-in votes on a committee statement is a whole new deal. And if I forget to make my timely request to

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leave the vote open, you know, then you can all of a sudden...if you want a strong committee system, Senator Krist, you've got to make sure that a majority of those members that have been elected to the Legislature to sit on that committee approve it or deny it, you know, in whatever form for an official action to be taken. That's like saying, well, we had five senators gone...we had ten senators gone today or ten senators were in a committee meeting, we voted, the new voting standard is not 25, the new voting standard is 21. If you water down those numbers then you...we're not speaking as a Legislature is what I'm saying. And I think you water down the committee system. And then if it starts transferring over to the Legislature, you know, 25 is not the standard anymore, it's whoever shows up. It reminds me of the Environmental Trust when they had this thing set up where five of eight people had to say no to something that a subcommittee approved. It just doesn't...it's not the majority speaking in my opinion.

SENATOR KRIST: Well, I think you've just made my case for why it's so important that we allow a committee to have quorum available and have a majority of those who are there. This is a citizen Legislature.

SENATOR FLOOD: Right.

SENATOR KRIST: And if Senator Pahls is absent because of extended illnesses, which he was, if Charlie Janssen is doing his job because he was gone, if I was flying, and if Senator Price for whatever reason was ill, you'd never move anything out of that Government Affairs Committee.

SENATOR FLOOD: Well, you shouldn't.

SENATOR KRIST: Then we're stagnated, we can't do any business.

SENATOR FLOOD: Well, you're elected to serve, and serving means showing up, and serving means doing your job. Now Senator Pahls, when he was absent, had an absolute reason to be gone.

SENATOR KRIST: And Senator Wightman and...

SENATOR FLOOD: ...and that's going to happen in any body of 49 people. But ultimately we're elected, we show up, we vote. And that's how the system works. And if you, you know, you can't run, you can't be in the Legislature and never leave your district. You know, if I lived in Norfolk and just called in my votes, I wouldn't be doing my job. And I guess I want to be very careful with this idea that suddenly it takes three votes to get a bill out of committee. I mean, when things move fast that isn't good when it shows up on the floor in my opinion. Everybody benefits when everybody votes.

SENATOR KRIST: Well, I would like to suggest that you address the holding the vote

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open issue if that is indeed an issue.

SENATOR FLOOD: I agree.

SENATOR KRIST: But I still believe that if a quorum is available, a majority of those voting should be able to move a bill to the floor. After all, that's not the final vote, that is a vote for fair and honest debate on an issue.

SENATOR FLOOD: No, I agree with you. I think you and I have agreement on the issue of this getting a vote later from somebody business. And I know it's not always practical, but in Senator Pahls case we couldn't leave the vote open for him because he was gone for three months. So just to be clear.

SENATOR LAUTENBAUGH: Any other questions for Senator Krist? I didn't give you the opportunity. Would you like to close on either of these proposed rules?

SENATOR KRIST: No, I'm sure you'll do a good job deliberating on those. Those are my ideas. And I look forward to the next 58 days.

SENATOR LAUTENBAUGH: Thank you, Senator Krist.

SENATOR KRIST: Yeah. Thank you.

SENATOR LAUTENBAUGH: Since I'm...well, I would like the committee's consent to skip to Senator Nelson's proposal next, because the other proposals are from me and from Speaker Flood and we're here no matter what, so. Out of respect for Senator Nelson's time, I propose that we move on to proposed rule number 7.

SENATOR NELSON: Mr. Chairman, you're giving me precedence here. I have...Mr. Chairman, members of the Rules Committee, I made a proposal number seven, I believe, it's called. Except I can't seem to put my finger on it right now. Yes, which would basically change the number of votes required for cloture on the floor of the Legislature. Right now the rule provides that a two-thirds vote is required for cloture. And I am...had I given it...perhaps looked at it a little more carefully probably would have worded it rather than a two-thirds majority just three-fifths of the elected members, which is the same thing that we require in a vote for overriding a veto by the Governor and for other important issues. And I have to say that since I've filed this I've had several people approach me and argue against it, saying that reducing it from 33 to 30 mitigates against the minority. I have other reasons, I think, that perhaps it would be good to have just a slightly smaller amount of votes necessary for cloture, especially in the instance of if we have a number of filibusters on the floor, kind of shortening the time that we have to spend on those. So I made the proposal, I present it to you. I ask for your consideration of it on the basis of your own knowledge and your experience here in



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the Legislature. And do with it what you will. I am not withdrawing it because of the counterarguments, but I am making the proposal at this time. So if you have any questions, I'd be happy to answer them.

SENATOR LAUTENBAUGH: Thank you, Senator Nelson.

SENATOR LATHROP: Maybe just one. John, can you tell me in what way would changing the number of votes necessary shorten the time we spend on a filibuster?

SENATOR NELSON: Well, provided that the Speaker thought that enough time had been spent and if there was a cloture motion and then we only got 28 or 29 or even 30. If we go by 30, then it's over and done with. I mean, we can move onto something else. If we don't make it, then we can't bring it up again until the Speaker brings it.

SENATOR LATHROP: But it doesn't change how long we spend debating.

SENATOR NELSON: No, I...

SENATOR LATHROP: It just changes what the standard is for overcoming...

SENATOR NELSON: That's right, that's right, that's right.

SENATOR LATHROP: Okay. Okay.

SENATOR NELSON: I agree with that. Yeah.

SENATOR LATHROP: Thank you.

SENATOR LAUTENBAUGH: Any other questions for Senator Nelson?

SENATOR NELSON: Thank you very much.

SENATOR LAUTENBAUGH: Thank you, Senator. Would you like to go ahead, Mr. Speaker?

SENATOR FLOOD: Yeah.

SENATOR LAUTENBAUGH: I'd like to move to proposed rule number five.

SENATOR FLOOD: Do you mind if I put my two rules together?

SENATOR LAUTENBAUGH: Not at all, sir.

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SENATOR FLOOD: Okay. Good afternoon, Chairman Lautenbaugh, members. I am Mike Flood. I represent District 19. I'm also the Speaker of the Nebraska Legislature. Today, I'm proposing two rule changes which are housekeeping matters to finish the redistricting process undertaken last year by the Legislature. The first rules change will amend Rule 3, Section 2, to change the membership on the Committee on Committees caucuses to reflect changes in redistricting boundaries for both legislative districts and how those districts fit within the three Congressional districts. If I could have the page pass this out it would be great. The legislative districts that are wholly contained in one of the three Congressional districts are listed within that caucus. I want to also add that Clerk O'Donnell has worked on this in the interim. The five legislative districts which have geographical area in more than one Congressional district we assigned to the caucus in which the largest population for that legislative district resides. Case in point would be Senator Karpisek. Senator Karpisek, you know, it isn't where Senator Karpisek lives, he's in this county here. He's wholly within the Third, I guess, he wouldn't be the best one. Senator Dubas would live in Nance County and would have Nance, Merrick, Hamilton...

PATRICK O'DONNELL: Adams is maybe a better example because...

SENATOR FLOOD: Okay. Adams lives in York and he's got York and Seward Counties. Seward is in the First. That's where the majority of the population lives. We put him in the First. I went from the Third District here, I've always been in the First Congressional District, and I'm now in the First Congressional District, my seat is. Obviously, LeRoy Loudon was out here, he's now in obviously the Second Congressional District. Senator Heidemann had been in the Third for some time. He's now in the Third and he moves to the Third because of the way that we drew the districts. Any others that you can think of?

PATRICK O'DONNELL: No, I think there were just those four.

SENATOR FLOOD: Yeah.

PATRICK O'DONNELL: Well, Cornett moved.

SENATOR FLOOD: Oh, Senator Cornett was in the Second. She now lives in the...her district, part of it, is in the First and we moved her to the First District. Since 2003, the Committee on Committees caucuses and the Executive Board caucuses have been identical. This proposed rule change will make the caucus changes for the Committee on Committees in LB711, introduced by Senator Wightman, Langemeier, and myself, makes the same changes to the Executive Board to make it conform to this. No politics was put into this. It was simply done to readjust the caucuses. And we went based on population of where more population was. My second proposed rule change, remember last year I came over here and I asked for special language to let the Speaker have

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super priority authority on redistricting bills in the year 2011. My second rule change just strikes that language from the redistricting rule. If the Legislature, in 2021, wants to do that, they can do that. But I didn't think we needed to keep it in there because it was 2011 specific. And fortunately, as you know, I didn't have any need to use that authority last year. And so I hope this meets with your favor. I want to also clarify the rules change on the caucus, moving those senators around, takes effect at the beginning of the One Hundred Third Legislature that begins in January of 2013. It will not affect this year's. We have a new senator coming to us from District 33 following the passing of Senator Utter. Everything stays the same. All those members of those caucuses are the same. Nothing changes until next year when the Legislature reorganizes and does...it's too complicated to do it now. So we're just keeping with the same system. And then we'll take it...the Legislature and all of you can deal with it in January of '13. Hope that's helpful.

SENATOR LAUTENBAUGH: Any questions for Speaker Flood? Senator Lathrop.

SENATOR LATHROP: Just one. Thanks, Mike. I looked at this list and I'm not a...I wasn't involved in redistricting so I'm not an expert on where the population centers are. But I want to talk about Price, if I can.

SENATOR FLOOD: Yeah.

SENATOR LATHROP: I understand your strategy. And I looked at a map and it looked to me like, I'm just looking at neighborhoods here, okay? And maybe you've done this...broken it down by population. But it looks like the part that's in two are just a couple of subdivisions and there's a lot of city in one.

SENATOR FLOOD: Well, my understanding is the Clerk went by population.

PATRICK O'DONNELL: I, yeah. Let me, I'll testify when he gets done.

SENATOR LATHROP: Okay, okay. Then I'll ask Patrick when he gets back. Otherwise, it seems common sense.

SENATOR FLOOD: Yeah. Anybody else have any other questions?

SENATOR BRASCH: I do. Thank you. Looking at the list of where District 16 has now moved to District 1, where I look at...even though it's population, the list...we had been on...seemed to be stronger in agriculture.

SENATOR FLOOD: Sure.

SENATOR BRASCH: And now it's Lincoln and Omaha and near Lincoln. And in

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townhall meetings this summer I asked, for example, Ft. Calhoun, are you urban or are you rural? People in Cuming County are confused and they've unanimously said rural. And that's very close to Omaha. And there were concerns about the redistricting, which I think is great. I mean, it's worked out really well. But when you look at those colleagues I think we have very similar challenges--repopulating our rural communities where all of the ones in District 1 are extremely populated. So I would question moving a strongly ag-based county like District 16 into very urban and populated areas of Lincoln, Omaha, near Lincoln, near Omaha. Just my insight perhaps that it's...

SENATOR FLOOD: Well, I know where your heart is and it's probably in the third caucus. But the reality is with the population shifts to the east, to be fair I'm in the First, you're in the First. And I have part of Stanton County that you used to represent, and I've got rural towns like Madison. And we just have to bring our perspective to the table with those folks in Lincoln and work together. And the Third remains vibrant, as you can see here. It's a large portion of Nebraska. And we moved some senators in, like Senator Heidemann. But it's also tough to...and Senator Dubas, but it's hard to see Senators Loudon, Karpisek, me and you go. But that's the reality of the Congressional districts. And we'll just have to advocate for our rural brethren with our urban colleagues.

SENATOR LAUTENBAUGH: Any other questions for Speaker Flood? Thank you, Mr. Speaker.

SENATOR FLOOD: Thanks.

SENATOR LAUTENBAUGH: Any other testifiers?

SENATOR FLOOD: Yeah, you want to.

PATRICK O'DONNELL: Yeah, if I can, Mr. Chairman. Patrick O'Donnell, Clerk of the Legislature. Let me begin with Senator Brasch's concern. And I don't want to act as an academic history professor. But you have to recall, the origin of the caucus system, because of the nonpartisan nature of our Legislature, was basically geography. Okay? It was always based upon geographical location of members. And at one time there were four caucuses, back in the seventies...sixties and seventies. Well, once one man, one vote came in then things started to change. And what you have in front of you is at least a potential...well, what I tried to do when I put this together was look at where districts fell within the Congressional districts, because that was always the basis upon which these geographical caucuses were put together. And there is crossover. Your district is a classic example of it. I tried to look at populations within your legislative district to see where the majority of your constituents resided and which of those two Congressional districts that you include in your district. That's how you got in 1. You know, this isn't magic. I mean, I don't want you to...it was just raw numbers as best as I could do them. And I would not want to represent to you that they are pure. I don't know Senator Price's

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district well enough to...and I was looking at my map here, but I don't have enough of a detailed map to...and I guess the other principle that guides this in part, just if you think about the dynamics in play is you've got 49 members. So we've got to have three districts or two districts with 16 members and one district with 17 so that the committee apportionment works out. I mean, I suppose we could have a 10-member caucus, but that wouldn't make a lot of sense for the other caucus that had 20. There's nothing magic about three caucuses. I mean, if you were to decide that, you know, western Nebraska should have its own caucus and northeast Nebraska should have its own caucus and north Omaha...you know, I mean, there's nothing magic about it, other than historically we've tried to design them around the Congressional districts. And that's what you have in front of you.

SENATOR LATHROP: If I may, Mr. Chairman.

SENATOR LAUTENBAUGH: Oh, please. I thought you already had, but go ahead.

SENATOR LATHROP: Patrick, the way Senator Flood, Speaker Flood's...

PATRICK O'DONNELL: Um-hum.

SENATOR LATHROP: ...proposal would...we'd have 16 in the First, 16 in the Third and 17 in the Second.

PATRICK O'DONNELL: Um-hum.

SENATOR LATHROP: And the idea, and I'm going to focus on Price because we took Cornett or the Bellevue district and put it back with the First. And the idea...the 17 could be in the First, it could be in the Third, or it could be in the Second.

PATRICK O'DONNELL: Right.

SENATOR LATHROP: But somebody is going to end up with 17.

PATRICK O'DONNELL: Right, exactly.

SENATOR LATHROP: And the idea was here we were trying to put those people who were on the bubble or who had...were in portions of 2, to put them in the place with the most population.

PATRICK O'DONNELL: Yeah, that was my intent.

SENATOR LATHROP: Okay. Is there a way to determine, I'm looking at, before I came down I had Koebernick try to run off a copy of a map. And I'm just looking at Price's

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district. And like Senator Cornett's, it looks like the biggest part of his district in the First is city of Bellevue. And then he's got some...a few neighborhoods in 2.

PATRICK O'DONNELL: Okay. So what...you're...

SENATOR LATHROP: How would I find out whether he's got more population in 1 or 2?

PATRICK O'DONNELL: Well, I think I probably have...Nancy Cyr, obviously, was kind enough to provide me with maps. I don't know, can we do...how could we get populations for each of the districts? I mean, I'm trying to think how...I mean, we could do that, Senator.

SENATOR LATHROP: It's doable. Okay, that's fine.

PATRICK O'DONNELL: I mean, the reality...yeah, I think it is doable. The question is, where do you want to put the 17 versus the two 16's. And I will tell you very candidly part of what's happened over the years is some of this has been driven by personalities, I mean, some members not wanting to move. And that's why the caucuses you organized under in 2011 aren't necessarily reflective of our current Congressional districts. They're close but they're not exactly on. This puts it, I think is a little more honest about what we're trying to do here. I shouldn't say honest, but a little more consistent I think with the...

SENATOR LATHROP: But in Price's case we have...that's primarily Offutt and Bellevue.

PATRICK O'DONNELL: Yeah, you know, that may be a situation where, yeah, I can't tell you I sat and looked at great detail at the districts in terms of geography. I tried to do the math, but it was not an exact science. And I certainly didn't go to the census block like Nancy suggested we could do if you wanted us to do that.

SENATOR LATHROP: Okay. Okay.

SENATOR LAUTENBAUGH: Any other questions for the Clerk? Senator Brasch.

PATRICK O'DONNELL: Oh, sorry.

SENATOR BRASCH: I appreciate and understand the difficulty that you had there. But I'm still...and, Speaker, you know, thank you for your comments. But even looking down the list I'm thinking, you know, the colleagues in the Third district, they are also on Ag Committee, they're on the Natural...you know, they are all with like challenges and vision for our areas. And so it won't make any difference that I'm in a whole different area that's looking at how do you manage, you know, schools over 1,000 students. You know, their education challenges are different in Lincoln and Omaha rather than in

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Bancroft and Arlington and Ft. Calhoun and Blair. But, you know, I just think the subjects are pretty much night and day simply because I spent 40 years of my life being urban, here in Lincoln, and the last 18 years on a farm. And I know, you know, one from the other very clearly. And I know what my goals are in our area. And truly do, you know, think that redistricting worked out well. However, I'm not...maybe I don't understand what the caucus division is for, if it's not...

PATRICK O'DONNELL: Well, I don't know if this is going to give you any comfort. But I would assume if your interests are, for example, toward...directed toward the Agriculture Committee, you're probably going to have less competition amongst the members of your caucus to get a seat on the Agriculture Committee because of the urban nature of that district. Now I obviously can't predict what members, committees are going to sit on. And, Senator, there's not magic stuff here. I mean, if you, for example, you could move Senator Heidemann's district back into the First District and keep yours in the Third if you think that makes more sense. Senator Heidemann has parts of his district in both the First and the Third Congressional District. Okay? I mean, there are some trade-offs that can be worked here. But I would...this was pure of heart when I started.

SENATOR BRASCH: Oh, absolutely. Okay.

PATRICK O'DONNELL: And it's up to you to decide what you think makes sense and where...what works best.

SENATOR BRASCH: Well, I understand. I just was trying to put some logic here into...

PATRICK O'DONNELL: Yeah, yeah, no, I...and I don't want to belabor this. But you know you haven't had the opportunity to sit through the Committee on Committees process when you're...but, you know, each of the caucuses rotates and decides who from their caucus gets to sit on any particular committee. And it starts with the caucus, the chairman is the first representative, obviously, after you've elected that person on the floor. So if in that case it was the Second Congressional District, somebody from that district who was Chair of a committee, the Third caucus would have the first choice, followed by First, Second, Third. So it's a rotating kind of thing. And the caucuses, I think, have...I mean, at least two of you have served on Committee on Committees. I don't know if you have, Senator. But it's, you know...that probably doesn't give you a lot of comfort, but I want you to know there's a process that's followed. And I think members request or try to be accommodated as best they can. And most of the time I think they are.

SENATOR BRASCH: And I do accept and trust your knowledge and experience, as the Speaker's that it will be a good thing. And just go with it. So thank you.

SENATOR LAUTENBAUGH: Is that a motion to approve, Senator Brasch? (Laughter)

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No, I'm sorry.

SENATOR BRASCH: I want it secret. (Laugh)

SENATOR LAUTENBAUGH: Thank you, Mr. Clerk. The remaining two proposals come from me and they are retreads of ones that we did not advance last year. So I guess I'm just insisting that we talk about them again. One of them deals with submission. It's proposed rule number three. Deals with the submission of documents to committees. What this provides as written is that documents, additional testimony, exhibits should be submitted electronically to the committee clerk for access by the members electronically. That would necessitate that there be either a burden put on those who are coming to the committees to scan documents in however they choose to and e-mail them to a provided address for the clerk or that there would have to be some sort of scanning device available here for people to use to submit these documents to the committees. What I'm trying to get at here and a corollary of this would be that there would, if senators chose to, they would have laptops in the committees to be able to access these documents electronically as we move forward. And what I'm struggling with here, I think, is the tremendous amount of waste that we have in our committees when we leave a busy day on Judiciary with six inches of paper that frankly will probably never be seen again because the format is unwieldy and it will get lost with the six inches of paper from the day before. And we've talked about this now in various ways for a couple of years. And I think there has to be some way as a committee we can address this. Whether or not we put the onus on registered lobbyists, I don't believe there are any registered lobbyists who don't have access to a scanner. They could certainly be submitting their things electronically. I just find the way we do this to be very wasteful and inefficient for lack of a better word. And I just don't think there's an excuse to continue to go on this way. I don't know that the rule drafted...as drafted would be fair to members of the public of limited means who might not have access to a scanner or to people who aren't of the more technologically well-versed generation or mind-set. And that's not my intention. But I do think we need to start moving in the direction of eliminating the paper. And I'd be happy to answer any questions you might have. We can talk about it in Exec then. The other one is very simply something that is near a dear to my heart, and that is proposed rule number four, which would mandate the use of the light system in committee hearings, as you see on the desk here for testifiers. A uniform length of time shall be set for each testifier and is not to include questions. I think there's a problem with the way we run our committees when, I've seen it happen, if it's a bunch of noncontroversial bills with very few testifiers we seem to think it's okay to say, well, testify as long as you want. But if it's actually something that is heated and a lot of people have a lot of passion for it, well, then by gosh, we better limit their input to a certain amount of time. And I think that creates the exact opposite of what we would hope for. And the only way I can think of to be fair on the one hand we can give everybody infinite time, which means no one would ever leave the committee room before dinner, best case scenario. Or we should uniformly apply limits and require of



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people that they in some ways crystallize their thoughts and present them in a timely manner to be respectful of the other testifiers who are there. We've had occasions on one of my committees where we've had to tell people, look, we're allowing an hour for the proponents, we're allowing an hour for the opponents. If you don't get in, in that time, you're out of luck. Now sometimes that even happens with the lights because the questioning is what chews up a lot of the time. And that would not be part of this total. But do think it is not necessarily fair to the public that on the less heated issues we allow expansive testimony, but on the better attended committee hearings we limit what they get to say. And I can't think of a fairer way to handle it. I'd be happy to take any questions you might have on that either. Seeing none,...

SENATOR LATHROP: No questions.

SENATOR LAUTENBAUGH: ...I'll waive closing. I think we've gotten through all the proposed rules. Can we have a motion to adjourn.

SENATOR BRASCH: So move.

SENATOR FLOOD: Second.

SENATOR LATHROP: May I ask a question of the Chair?

SENATOR LAUTENBAUGH: Yes.

SENATOR LATHROP: When do you want to get together? What's your thought on getting together?

SENATOR LAUTENBAUGH: What's our time frame look like, Mr. Speaker?

SENATOR FLOOD: I'm kind of planning floor debate on rules to be taken up on the floor Tuesday morning at 9:00 a.m.

SENATOR LAUTENBAUGH: Okay.

SENATOR FLOOD: So you have a little time. I would like them...

SENATOR LATHROP: And what's a little time? We better do something by Monday?

SENATOR FLOOD: You better have it filed at the very least by Monday so that it appears in the Journal prior to Tuesday morning would be my preference.

SENATOR LATHROP: So we'll need to do something tomorrow.

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SENATOR LAUTENBAUGH: Yeah.

SENATOR FLOOD: Yeah.

SENATOR LAUTENBAUGH: Why don't we...

SENATOR LATHROP: Which is fine with me. I think I'd rather...I'm interested in looking at the population in Price's district as between the two Congressional districts.

SENATOR LAUTENBAUGH: Does anyone have a problem with a noon Exec tomorrow?

SENATOR FLOOD: Yes, I got something going on at noon.

SENATOR LAUTENBAUGH: 1:00?

SENATOR FLOOD: I assume I can do that, 1:15.

SENATOR LAUTENBAUGH: One, one?

SENATOR LATHROP: Sure.

SENATOR BRASCH: Sure.

SENATOR LAUTENBAUGH: Okay. We've had a motion and a second to adjourn. All in favor. Thank you all. Thank you, Mr. Clerk.