

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board February 17, 2021
Rough Draft

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HUGHES: Good afternoon, everyone. Welcome to the Executive Board committee. I'm Senator Dan Hughes. I am from Venango, Nebraska, and represent the 44th Legislative District. I serve as Chair of this committee. The committee will take up the bills in the order proposed-- posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the room when it is necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. Please utilize the identified entrance and exit doors to the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove-- may remove their face covering during testimony to assist committee members and Transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by the Sergeant at Arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe social distancing and wear face mask covering while awaiting-- waiting in the hallway. I ask that you follow the following-- I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Move to the front row when you are ready to testify. The order of testimony is introducer, followed by proponents, opponents, neutral, then closing remarks by the introducing senator. If you are testifying, please fill out a green sheet form found at the back of the room. Hand in your green sign-in sheet to the page or the committee clerk when you come up to testify. Spell your first and last name for the record as you begin testifying. Speak clearly into the microphone and be concise. We will ask that you keep your minute-- your testimony to three minutes. My apologies for the shortness of testimony, but we are an hour and a half and we've got two bills that we're going to hear today so we have to accommodate. And I do apologize again for the limited testimony time. When you see the yellow light comes on, that means you have one minute remaining and the red light indicates your time has ended. Questions

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from the committee may follow. We ask that you please limit or eliminate handouts. If you have-- if you do have handouts, the materials may be distributed to the committee members as exhibits only while testimony being-- is being offered. Please make sure you have 13 copies and give them to the page when you come up to testify and they will be distributed to the committee. The committee members will introduce themselves starting on my right with our Vice Chair.

VARGAS: Good afternoon. My name is Senator Tony Vargas. I represent District 7 in downtown and south Omaha and I serve as Vice Chair.

McCOLLISTER: John McCollister, District 20, central Omaha.

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

STINNER: John Stinner, District 48, all of Scotts Bluff County.

HUGHES: And on my left.

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

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

LATHROP: Steve Lathrop, District 12, which is Ralston and parts of southwest Omaha.

GEIST: Suzanne Geist, District 25, the east side of Lincoln and Lancaster County.

HUGHES: Very good. To my left is our committee counsel, Janice Satra, and to my far right is our committee clerk, Mandy Mizerski. We are very fortunate today to have pages, Chuck, Chuck Hubka and Kaitlin Bohlmeier. Thank you both. Senator McCollister, the stage is yours.

McCOLLISTER: Thank you, Chairman Hughes and members of the Executive Board. I am John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha. Redistricting occurs every ten years and it's one of the most consequential processes this body undertakes. It is therefore essential that we approach this task with monumental-- with the monumental deference it deserves. LB107

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would create the Redistricting Act. The eight sections of the act supplement the Nebraska Legislature's Redistricting Committee Rule 3, Section 6, with procedural and substantive guidelines that are incorporated into the bill. This bill incorporates the best practice efforts of Senators Howard, Vargas, DeBoer, and myself. LB107 uses the same formula employed by previous redistricting efforts, that is, nine members selected by the Executive Board, as we well know, with three coming from each of their congressional districts to serve on a Redistricting Committee. A central feature is that no fewer than four and no more than five can be selected from either of the two major political parties. LB107 has two primary objectives. First, the bill would remove political party affiliation, voter registration lists, and voter history from consideration. Second, the bill would streamline the process of drawing legislative boundaries by limiting efforts to amend boundaries once the committee's bills are made available for the floor to debate. LB107 provides that the Redistricting Committee Chair and Vice Chair be elected by a supermajority vote of at least six of the nine members of the committee. Of course, that means at least one Democrat needs to vote for the officers, which should reduce partisan tendencies. I would recommend that the board also add a requirement for supermajority votes to move maps from the committee to the floor for General File debate. Substantive guidelines are outlined in Section 4 of the bill. The language in sub (4) of this section came from Senator Vargas' 2019 redistricting proposal. In Section 4, political neutrality is the key consideration. This section would do more to accomplish neutrality than earlier Legislatures have been able to achieve. LB107 would make these principles a matter of law to guide future Legislatures. It's been noted there have been many-- some redundancy aspects regarding the legislative districts in Section 4. I want to acknowledge that and suggest the bill may need some improvement in this area. This can be done without undermining the bill's primary objectives. Possible changes to LB107 included the 1 percent population derivation in Section 4(2)(a) really needs to be increased to 5 percent so the bill needs to be amended. As you already mentioned, I received suggestions to require a supermajority vote by the committee to move maps to the floor. Another idea offered would require Legislative Research to create a visual comparison of current and proposed maps by superimposing existing maps over the earlier versions of the new replacement maps. I believe these suggestions would improve the bill.

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Other states have gone so far to remove the redistricting process entirely from the Legislature. This is a bridge too far for Nebraska. My bill, LB253, LB253 offered in 2019 embodied the commission model found in other states, most notably Iowa. But it's my candid assessment that a bill of this sort would not pass this body or be assigned-- or be signed by the Governor. Adopting the best practice guidelines in LB107 is a good first step to produce a credible and fair process. However, if our redistricting effort this year is perceived to be tainted, it is likely that a more-- that more interest in a commission model will no doubt occur. Thank you, Mr. Chairman. I'm prepared to take questions.

HUGHES: Thank you, Senator McCollister. Are there questions? Senator Geist.

GEIST: Yes, thank you, Senator McCollister. And thank you, Chair. I do have a question about if-- if you want to maintain the nonpartisanship, why did you drop having the chair and vice chair being of opposite parties?

McCOLLISTER: Well, really just you look at the dynamics of that process. You need to have a Democrat or a Republican in either the chair/vice chair positions. I'm just thinking that would reduce the partisanship that could occur with the-- with the redistricting process.

GEIST: But couldn't it be more partisan if there are two Democrats or two Republicans that are heading the committee?

McCOLLISTER: I think that is very unlikely, very unlikely. Just won't happen.

GEIST: That it would be more partisan.

McCOLLISTER: No, I just don't see that two members of the same political party will be the officers of the committee.

GEIST: But if you have one party that is five and the other is four and they're elected by the members of the committee, it's very likely to happen if-- if the majority voting is one party.

McCOLLISTER: I just don't believe that's the case.

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GEIST: OK.

HUGHES: Additional questions? Seeing none, you'll stay for closing?

McCOLLISTER: Of course.

HUGHES: Very good. So we will begin with the proponents to LB107. I was going to say seeing none, but with our timeline is-- our timeline is short, so please move up to the front row if you would like to talk next. Welcome.

SHERI ST. CLAIR: Thank you. Good afternoon. I am Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r, and I am here on behalf of the League of Women Voters of Nebraska. The League overall believes the responsibility for redistricting should be vested in an independent special commission, with membership reflecting diversity of the unit of government, including citizens at large, representatives of public interest groups, members of minority groups. So although LB107 retains legislative control of that process, it does provide a framework that, in conjunction with the rules of the Legislature, should produce maps that are drawn by a bipartisan committee. And so the League is supportive of LB107. There are some things proposed that we particularly agree with, the-- like the use of politically neutral criteria and the maintenance of contiguous districts with an equity of population of not more than plus or minus 1 percent. We appreciate that the committee is required to distribute census data and make the draft maps available to the public. And we support the opportunity to provide public comment and input during public hearings. So, as specified in the rules of the Legislature, the Redistricting Committee is comprised of members of the two political parties. But we know that now more than 20 percent of Nebraska's registered voters have no party affiliation. So we would hope that the committee would conduct to complete the redistricting process in a nonpartisan and transparent fashion, take into consideration that significant percentage. The League does find it disappointing that none of the bills addressing redistricting that have been introduced in past sessions have failed to advance from committee. So we do urge you to advance LB107 to General File for full for-- full floor debate. Thank you.

McCOLLISTER: Thank you, Ms. St. Clair. Are there questions from the committee? Seeing none, thank you for coming in today.

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SHERI ST. CLAIR: Thank you.

HUGHES: Welcome.

GAVIN GEIS: Chairman Hughes, members of the Executive Board, my name is Gavin Geis. It's spelled G-a-v-i-n Ge-i-s, and I'm here representing Common Cause Nebraska. Common Cause is a nonpartisan, good-- good government watchdog. And we've been involved in the work around redistricting for about 30 years. Long before I joined on, now issues chair Jack Gould commented on this process during the last redistricting and the previous redistricting before that. So we have a long history of reviewing and advocating for a more transparent and accountable redistricting process. What I've handed out to you are-- is a bullet point list of what we think are the best parts of LB107. There are certainly room to strengthen this bill. There are certainly ways we can improve upon what's already here. I would agree with Senator Geist that there might be reason to require a Democrat and a Republican for the chair and cochair. But we think as the bill as currently written, it will at least point us in the right direction, require some bipartisanship in the vote. Previous efforts to redistrict have been viewed as toxic, have been viewed as extremely partisan. And I think we need to take some effort to improve that and improve the public's trust in the process. The next thing that I want to note as being important is this bill forbids the consideration of party registration or previous voting data when drawing district maps. Frankly, the redistricting process should look solely to the census, to where people live and have registered as living instead of looking to partisan data to draw district lines. Using that data, we have seen other states draw maps that either favor one political party or protect an incumbent, favor a candidate. In short, the partisan data that this bill excludes can be used to disenfranchise and can be used to hurt the process. Next, the-- this bill requires public hearing and requires access to the data that the committee is looking at. It's a vital part of the redistricting process the public be involved. Closed door discussions and maps drawn without any public knowledge only hurt us. We believe that a transparent and accountable process will only make for more representative and fair districts in Nebraska. Finally, the bill includes language that would require or allow only corrective amendments to the maps that are created by the Legislative Research Office. Given that we're drawing these maps based on census data and that the Legislative Research Office is in charge of carrying out that

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process fairly, we believe that it's-- we believe that it's in the best interest of the public that new maps aren't drawn from whole cloth, but are instead adjusted on the needs of the communities that the legislators will be looking and working in. Thank you for your time. I will close with that. Only thing I will say is the redistricting process is still ahead of us and we have time yet to make a fairer, more transparent process for Nebraskans. Thank you.

HUGHES: Thank you, Mr. Geis. Are there questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming. I just wanted to clarify, did you say that with a Republican and a Democrat as chair and vice chair that it would be more partisan?

GAVIN GEIS: No, I am sorry. I should I will clarify. I was saying that I think there is benefit to requiring one of the chair or the vice chair, right, share roles politically split, one Democrat, one Republican. The bill as is written, I think it takes some steps to make that a reality, but a requirement in the language would go further and frankly do a better job of guaranteeing that everybody has a seat at the table and a say.

PANSING BROOKS: I agree, thank you very much.

HUGHES: Additional questions for Mr. Geis? Seeing none, thank you for your testimony.

GAVIN GEIS: Thank you.

DANIELLE CONRAD: Hello, good afternoon. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today on behalf of the ACLU of Nebraska. We're in support of this measure and we want to thank Senator McCollister for his leadership to continue the dialog on bringing long overdue redistricting reform to Nebraska. So let me just start off with a couple of key hallmarks about what sound redistricting should look like and how it should work. It should be transparent. It should be participatory. It should be nonpartisan. And it should protect minority voting rights. Those are key hallmarks of what sound redistricting should look like. Additionally, why does redistricting matter? This isn't just kind of a-- about partisan

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shenanigans, right? This is really at the heart of our democratic system and our democracy. We want to ensure trust in the process. We want to ensure fair elections. And we want to ensure that voters choose their elected representatives, not the other way around. Because when you have competitive, fair elections, you have better results on policy, policy that impacts us all: tax policy, education policy, health care, natural resources, voting rights. The list goes on and on. I can tell you additionally that the ACLU of Nebraska put forward, first of its kind, public polling on redistricting in Nebraska in January of this year. And I didn't bring handouts because of COVID, but I'll make sure to put them in your inbox. And if anybody would like to have some additional time with the pollsters, we're happy to organize that as well. But what the results demonstrated were really eye popping from public opinion survey perspective. North of 90 percent of Nebraska voters, including wide majorities of Republicans, Democrats and Independents, take pride in our proud, nonpartisan traditions in Nebraska. And they want that infused into redistricting. They want it to be participatory. They want it to be transparent. They want it to be data driven. And that liberates you from the toxicity of the past involved in partisan shenanigans that have played a part in our redistricting so that you can let the data guide the work and focus on the critical business of Nebraskans. I'm happy to answer any questions.

HUGHES: Thank you, Senator Conrad. Are there questions from the committee? Seeing none, thank you for coming in today.

DANIELLE CONRAD: Gosh, thanks so much.

HUGHES: Next proponent. Welcome.

JOHN CARTIER: Good afternoon. For the record, my name is John Cartier, J-o-h-n C-a-r-t-i-e-r. I am the director of voting rights for Civic Nebraska. We are a nonpartisan organization who want to build a more modern, robust democracy for all Nebraskans. Now, I'm here today in support of this fantastic bill put forward by Senator McCollister, and I wanted to start my testimony off by remembering or letting the committee know that this is my fourth year in this role as director of voting rights. And in these four years, I've probably testified about a dozen of these bills. And not a single one has made it out of this committee. Is it because they're bad bills? Is it because they're

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unpopular? I don't think so. This topic is one of the most bipartisan support of any measures in the Unicameral. Both Republicans and Democrats have an interest in ensuring that there is no gerrymandering happening in our state, which unfortunately in prior redistricting processes has happened. This bill before us would help alleviate some of those issues, which no doubt are going to come up again during this next redistricting process. And what's the problem is, is this is kind of our last chance of going about it. We have spent the last four years not passing anything, not implementing any reasonable measures to combat gerrymandering. And now we're about to embark on our redistricting process that's going to affect us for the next ten years. So it is imperative that we at the very least, get this bill out of the committee and a debate for the floor. It's going to be in the interest of all Nebraskans. And if that is something you're not interested in, consider this. If you might be concerned about your own political party losing an edge in the redistricting issue, well, you might not always be the majority party leading the gerrymandering in the state because that is something that is subject to change. So eventually you're going to want to implement safeguards that will protect your interests for your own constituents and have it uniform across the state. And if this is something that doesn't change for this decade, I can assure you there will be a ballot initiative at some point in the future. And that ballot initiative is a very high chance of taking the redistricting process out of the hands of the Legislature completely. So I would really, really recommend that you take the time now to seriously consider this measure before you and I. Again, I'd like to thank Senator McCollister for putting in best practices in a bipartisan legislation that will be in the interests of all Nebraskan voters. Thank you.

HUGHES: Thank you, Mr. Cartier. Are there questions from the committee? Seeing none, thank you for coming in today.

JOHN CARTIER: Great seeing you all. Thanks.

HUGHES: Welcome.

KRISTIN PFABE: Hi. Thank you. My name is Kristin Pfabe, K-r-i-s-t-i-n P-f-a-b-e, and I'm here representing myself; and I'm here to offer support for LB107. This bill is an important step in making the redistricting process neutral. The bill's explicit obligations of the

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Legislature to draw district boundaries without consideration of the political affiliation and past voting data of residents is fundamental to removing partisanship from this process. The guarantee that this bill gives to voters that there will be public hearings is particularly important in an era where gerrymandering is getting more air time with several significant recent Supreme Court cases. And Nebraskans want assurances that this process will be unbiased. Over the last few years, I've been giving talks on gerrymandering with colleague Steve Dunbar. We are mathematicians at local universities. Both of us attended conferences sponsored by the nonpartisan Metric Geometry and Gerrymandering Group, a group of mathematicians and computer scientists from the Boston area. And they are working to educate the public on gerrymandering. And they're also working to develop and use scientific tools to measure and combat gerrymandering. Our talks included an overview of gerrymandering and its history. But we also highlighted scientific methods for defining criteria, things like compactness and for measuring gerrymandering. After our first talk that we gave to the League of Women Voters in Lincoln, we got an invitation to give another and the next talk resulted in another invitation. We've given well over 20 talks, and the quantity of talks reflects the public's hunger for information and tools to advocate for themselves. In our talk this past Saturday to Nebraskans from all over the state, participants asked questions about how the shift from rural to urban population will change the maps. They asked about Senator McCollister's bill, about the composition of the Redistricting Committee, about if it was possible to watch a legislative hearing, if they couldn't come to Lincoln, and about communities of interest. They're paying attention and they are concerned. More and more people know that if a district looks funny, there's probably funny business behind it. More and more people know that cracking and packing are bad for democracy. On the signing of the Voting Rights Act in 1965, Lyndon B.. Johnson said the vote is the most powerful instrument ever devised by man for breaking down injustice and adopting safeguards to protect against gerrymandering gives our votes the chance to be those powerful instruments. Thank you for your time.

HUGHES: Thank you, Miss Pfabe. Are there questions from the committee? Seeing none, thank you for coming in today.

KRISTIN PFABE: Thank you for your time.

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JOHN HANSEN: Good afternoon, Mr. Chairman, members of the committee. For the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n. I'm the president of Nebraska Farmers Union. One of the advantages of being the president of an organization that was formed over 100 years ago is that you you tend to take the long view on a lot of things. And so one of the things that our organization takes the most pride in is the efforts that we were involved in to help create the nonpartisan Unicameral. And if you go back through the old union farmers and you read the kind of the basis for it, there were two things that really stuck out that was-- and, you know, the Unicameral was created with a lot of rural support. And we were certainly one of the most vocal of the rural organizations that supported it. One was the cost saving. Everybody liked that part, the-- we could get the same, you know, get the people's business done for less money. And so we have that. And the other was a very consistent part of the original effort was getting non, you know, getting partisan politics out of state government and the running of state government. And that, you know, folks were-- it was described in a lot of different ways, but it was always portrayed as a-- is a way to take sort of smart, intelligent, well-intended folks and to put them into camps. And when you did that, they-- they became-- they didn't listen as well. They didn't work together as well. They lost a lot of their common sense. And so since the very beginning, the-- the nonpartisan part of the Legislature has always been one of its-- its real virtues. And so here's an opportunity. And this-- that's why we show up at these hearings every ten years. And as we're thinking about these things is to try to come up with a process for redistricting that reflects our nonpartisan nature. And so we already know that Senator McCollister's bill is a-- is a compromise. And it's a good faith compromise that encompasses a lot of the good practices and is a good starting point. And we commend him for having the courage to go where many dare not tread. So with that, I'd end my testimony, be glad to answer any questions if you have any.

HUGHES: Are there any questions for Mr. Hansen? Seeing none.

JOHN HANSEN: Thank you very much.

HUGHES: Next proponent. Welcome.

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PRESTON LOVE, JR.: Thank you. In the spirit of before you start my time of a wonderful testimony, I have a complaint that one of the members of this committee is stalking me. And so we need to fix that.

LOWE: I'll be back.

PRESTON LOVE, JR.: I'm spending my day today on behalf of democracy as I see it.

HUGHES: Sir, would you state your name and spell it for us, please?

PRESTON LOVE, JR.: He can tell you. No, I'm sorry. Hi, my name is Preston Love, Jr., and I represent and am the founder and CEO of an organization called Black Votes Matter. And quite frankly, my testimony is about black voting matters. I testified earlier and my joke is as it relates to winner take all. I won't take the time, but we want to keep that as it is. Secondly, I live in an area that is affected by your decision and have been affected by your decision. I have lived long enough to be an expert and I actually teach at the university about impediments to voting. And there's a long list that includes poll tax, literacy tax, jelly beans in a jar, violence, all of that. And one of the things on that list is gerrymandering. And I'm hoping to, in the little short time that I have, appeal to you, the impact of gerrymandering a community and a people who want to be, feel as if their vote counts and that it has not been negated before the election based on political shenanigans. In 2008 in my community in Congressional District 2, Obama won the congressional district as it stood. And it was gerrymandered in 2010. And there has not been a victory in that congressional district short of 2020 since. I'm hoping that we don't and you don't make the same mistake as it relates to democracy, to draw the lines that make sense for a party but does not make sense for the people who live there and who many of us work so hard to get the vote out. And I have to stand before them and tell them that the process is fair and that you have every possibility if you vote strongly to get your candidate elected. That cannot be true if it's gerrymandered. I know that's not your agenda. I think this committee is not the gerrymandering committee. It is Redistricting. And so I'm surely very much pro of this bill because it waters down the possibilities of gerrymandering. And I have--

HUGHES: Your light's on. If you could wrap it up, please.

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PRESTON LOVE, JR.: Yes, I'm wrapped up. I just want to lay myself on the table and my community with me in appealing to you to see the value that this has in the details and in the context of democracy in Nebraska. Thank you so much.

HUGHES: Thank you, Mr. Love. Are there questions from the committee? Seeing none, thank you for coming in today.

PRESTON LOVE, JR.: Thank you.

HUGHES: Next proponent. Welcome.

KAREN SCHAPER: Hi. My name is Karen Schaper, K-a-r-e-n S-c-h-a-p-e-r. I'm going to take off one of my double masks. And I am a teacher. I'm just here representing myself. And thank you for taking the time to listen to my support of LB107. I've been a teacher for 20 years and in this role in middle school, high school and college, I've tried to motivate kids to be engaged. It's getting harder and harder with devices everywhere, and they're just scrolling down their stories and playing games on their phones and play their video games at home. And what I try to do is get them involved and that wakes them up and helps them grow and helps them engage. But when you try to get a kid excited and then they realize-- you try to get them that their voice-- tell them their voice matters, and then they realize that because of gerrymandering, their voice doesn't actually matter. It's really hard to pick them back up. So this is a real issue that's not just numbers and lines and people wanting power. This affects people. It affects kids and their view of the world. So I just wanted to bring that's my personal experience and that's what I can bring to this. And I kind of feel honestly, that this is so common sense, it's hard to understand why someone wouldn't support it. It's free. It makes redistricting fair and transparent, engages people. And I just feel like if the power of your party is so important that you can't support democracy in this way, you should probably reconsider your position as an elected official. And this is-- it's kind of a no brainer. I think free and fair redistricting is-- is really important. So thank you for taking the time to listen to me.

HUGHES: Very good. Thank you, Ms. Schaper. Is that correct?

KAREN SCHAPER: Yeah.

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HUGHES: OK, very good. Are there questions from the committee? Seeing none, thank you for coming in today. Next proponent. Seeing none, we will move to opponents to LB107. Seeing none, we'll move to those in the neutral position. Welcome.

BOB TWISS: Thank you. Can I take the mask off?

HUGHES: Yes. That'd be great.

BOB TWISS: OK. And is there a time limit?

HUGHES: Three minutes.

BOB TWISS: Hopefully somebody will ask some questions. Thank you very much. Good afternoon, members of the Exec Committee. My name is Bob Twiss. I reside in western Sarpy County. I have been involved in various campaigns over the years.

HUGHES: Mr. Twiss, would you spell your name, please?

BOB TWISS: I will. I'm sorry. I'll even try to spell it correctly. It's B-o-b T-w-i-s as in Sam-s as in Sam.

HUGHES: Very good. Thank you.

BOB TWISS: Thank you, sir. Sorry I forgot that. I agree with some of the testimony today. Redistricting certainly should be fair, open to the public, transparent. And I have testified since 1992 on redistricting and there are several of things that I can agree with. There are a few things I can agree with in this bill, but redistricting has worked reasonably well, sometimes not so well. Other times 10 years ago I thought it worked pretty darn well because that committee set the deviation at plus or minus 1 percent. That's in this bill. I can agree with that. At one time it was plus or minus 5 percent. There was also a court suit filed in 1992, Madison County, Day v.-- I have it here-- basically state of Nebraska. There was another court suit filed after the 20-- that was '92-- after the 2000 census. And I wish it had gone forward. It was filed by an individual. And incidentally, I should have said this at the beginning. I am testifying as an individual citizen, not in any unofficial or any official capacity. I am testifying as an ordinary private citizen. I want that emphasized, very important. So in '92, went to court and it

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went to court because of deviation and because, this is very important, I call them levels. Attorneys have different words, but there are two distinct things in the Constitution relating to redistricting. And since I resided in northeast Nebraska, my heart still remains there. But my mind was in Sarpy County where I live, and I've testified in respect to legislative redistricting, congressional redistricting, and last time it slipped by me, but I forgot judicial as well, because I'm in a district in western Sarpy County for the Supreme with Norfolk in that whole Northeast territory. But more importantly is the redistricting and the aspects I agree with. And I'll be glad to talk with any of you senators, any of the 49 senators and any of the senators on the Redistricting Committee, as well.

HUGHES: Mr. Twiss, your light's on, if you could wrap it up, please.

BOB TWISS: OK. I'm going to wrap up with communities of interest. Preston Love, Jr., said that and I'd love to talk to any of the classes that he teaches or the young lady that's taught for a few years, if I might. Fundamental fairness: Gus Pick and De Carlson won a primary in '92 and had nowhere to run.

HUGHES: Mr. Twiss,--

BOB TWISS: Special session.

HUGHES: --I'm going to have to cut you off.

BOB TWISS: OK.

HUGHES: Sorry. We've got other testifiers on other bills today.

BOB TWISS: Yeah, that's fine.

HUGHES: My apologies. Are there questions for Mr. Twiss? Seeing none, thank you for coming in. We appreciate it.

BOB TWISS: Thank you very much for the opportunity. I'm available any time. People know how to get a hold of me. And I thank Mr.-- Senator McCollister for bringing the bill.

HUGHES: Additional neutral testimony? Seeing none, Senator McCollister, you're welcome to close.

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McCOLLISTER: These pages are getting older. [LAUGHTER] Thank you, Mr. Chairman and members of the committee. I thank you for the testimony today over your lunch hour. It is essential we get this 2021 process right. Our democracy depends on us. Perception is reality. Reality is perception. It's important for us to get this right so people feel that their elections are fair. This bill will need to be amended. Some of the issues raised, perhaps putting both a Republican and a Democrat as the two officers of the committee, not a bad idea and I'd be agreeable to that. We can talk about the percentages, whether it's 1 percent or 5 percent. I think the general rule is 5 percent. And I certainly want to thank the other senators that worked on this bill: Senator Vargas, Senator Halloran, Senator DeBoer, and others. And so from that standpoint, I'm grateful for your attention and I'm hoping we can move this bill. If you do have suggestions for amendments, feel free to let me know. And I appreciate moving this bill on to the floor. I should also mention finally, it's not likely that we'll have census information until September, September. So it's quite likely we'll have a special session to deal with redistricting this year. I think that's quite possible.

HUGHES: Very good. Thank you Senator McCollister. Are there questions from the committee? Seeing none, we have letters of for-- position letters as proponents: Aubrey Mancuso, Voices of Children; Mary Ellen Kilmer, self; Kristen DuPree, self; Paul Vana, self; Kelly-- Kelly Keller, National Association of Social Workers, Nebraska; Meg Mikolajczyk, Chick of Planned Parenthood; Michelle Devitt, Heartland Workers Center; Joey Adler, Holland Children's Movement; Michelle Miller, self; Jacqueline Kehl, self; Amy Wenzl, self; and Wesley Dodge, self. And that will conclude our hearing on LB107. And as soon as Senator Wayne shows up, we will open LR18CA. Katie, would you give Senator Wayne's office a call, please? While we are waiting for Senator Wayne, I would like to have a short conversation with committee members. There's been some question about procedures that we have for Executive Sessions. My procedure has always been as a chairman that when someone brings me, in this case, five votes, a majority of the committee, we will hold an Executive Session, but--

HUGHES: OK, we are back. LR18CA, Senator Wayne, welcome to the Executive Board.

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WAYNE: Thank you. LR-- my name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. I'm here today to introduce LR18CA, which approved, if approved by the voters would extend the maximum number of consecutive terms for a state senator to serve from two to three. Only 15 states have term limits on legislators. Of those, including several: Arkansas, Oklahoma, Louisiana and Nevada have similar three four-year terms of their legislators as being proposed here. This will still respect the spirit of the voters that was-- that was-- or the initiative that was passed in 2000 by allowing a third term for a senator who will serve, who will also allow-- I think it will also allow the body to function better and have more institutional knowledge that we seem to be losing year in and year out. We have all seen the impact of seasoned, respected, knowledgeable members being silenced by term limits. I understand the rationale for term limits, new blood, fresh blood, new ideas. But at the end of the day, there's a loss of institutional knowledge in how just navigating the bureaucracy of government works. And in fact, the four years that I've been here, we still, I believe, having thought big, bold, or just made substantial changes, I think, to agencies that we often deal with, primarily because it takes you three to four years to figure it out and how they all work. And then you got two to three years to try to summarize and get the votes that are on the floor. And hopefully you can get it done in two years, but most of the time, you'll be on your way out. And then you never see any changes that you actually worked on and you've never been able to improve some of the bills you've made because you're out in eight years. So I think it's reasonable to go three terms. And I would ask this committee for their support. And I do have a pretty good track record right now on constitutional amendments. So if that sways anybody who is 50/50, works for me.

HUGHES: Thank you, Senator Wayne. Are there questions from the committee?

PANSING BROOKS: I have a question.

HUGHES: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thanks for bringing us, Senator Wayne. What did-- did you think about two six-year terms? Because that has been discussed in the past. And how did you get to that?

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WAYNE: I thought two-- two six-year terms. That's part of the negativity I see going on with our U.S. Senate is that sometimes it's too long to hold people accountable, at least hold them to the fire. And oftentimes people forget what happened the first two, maybe three years because of a six-year term. So I do like the four years and it's kind of consistent with what we're already doing. But, yeah, we did think about it. But that was the reason was I think six years sometimes is too long to hold people accountable.

PANSING BROOKS: Well, that's the best argument I've heard on that so that's good. Thank you. Thanks for bringing this.

HUGHES: Senator Geist.

GEIST: I just want to clarify, Section 1 says no person shall be eligible to serve four years so you can sit out after three terms and serve again. Is that what your intention is?

WAYNE: Yes. So Chairman Hughes and I have actually had this conversation a couple of times regarding should we make it a ban for everything after your three-year term? I just don't believe that. I think voters are smart enough to decide after you sit out whether you should come back or not. And so-- and I do think if you have somebody who runs at 26, 27, they serve a three-- three-year-- three terms, you know, maybe they're 55 and want to run again. I don't think they should be limited, nor do I think we should silence the voters' choice in that matter. But I do think it's reasonable to have three years. And then if you need to sit out for four years, you can sit out.

GEIST: OK, thank you.

HUGHES: Any additional questions? I guess I wanted to reiterate our conversation about that. As a practical matter, I believe the voters need some incentive to vote for this because I don't think just going from three to-- three terms-- up to three terms from two terms, it would appear somewhat self-serving to the body. So I do believe that there needs to be some sort of incentive for the voters to feel that they are, I don't want to say getting something, but making a significant change that just does not benefit the elected members.

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WAYNE: I understand that. And like I said, we've had conversations about that. I just-- term limits eliminate my option as a voter to pick and I hold that option in my vote very sacred. I don't think we should have term limits. I truly believe at the end of the day, we either have faith in our voters or we don't. And I'm open to an amendment on the issue. I will just tell you, that's where I'm at. But I do think three-year terms are-- three, four-year terms are important. We have to look no farther than one of the agencies you oversee on Natural Resources and the things that I've learned there just this year that you've been fighting for four years and actually six years. So that's why I'm in favor of it. But I do understand where you're coming from, Chairman.

HUGHES: Yes. Well, I agree with you. I'm not a fan of term limits. We have term limits. They're called elections. So that we should not be limiting the amount of service. But we'll-- we'll have further discussions and we'll see what the committee would like to do. Any other questions? Seeing none, you'll stay for closing?

WAYNE: I have two Execs going on. So I'll see how long [INAUDIBLE]

HUGHES: OK, very good. If you're not here, we'll waive for you.

WAYNE: Sounds like a plan.

HUGHES: OK. Proponents of LR18CA. Welcome back, Ms. St. Clair.

SHERI ST. CLAIR: Thank you. S-h-e-r-i S-t. C-l-a-i-r. Good afternoon, here on behalf still of League of Women Voters and the League of Women Voters is opposed to term limits. We believe that term limits adversely affect accountability, representativeness and effectiveness of elected bodies. We'd like to see term limits limited-- done away with entirely. However, LR18CA does provide a step in the right direction, allowing for longer representation. We agree elections are effectively means of voters to effectively implement a term limit.

HUGHES: Very good. Are there questions for Ms. St. Clair? Seeing none, thank you for coming in today. Next proponent. Welcome.

IAN SWANSON: Good afternoon, Chairman Hughes, members of the Executive Board. My name is Ian Swanson, I-a-n S-w-a-n-s-o-n, and I serve as the director of external relations and state policy for the Nebraska Farm

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Bureau. On behalf of the Farm Bureau, I'm here to testify in support of LR18CA, the proposed constitutional amendment to change legislative term limits to three consecutive terms. I also want to thank Senator Wayne for introducing this resolution and identify with many of the comments that he made in his opening. Just a little bit of context. When Nebraskans enacted the current two-term limit in 2000, supporters argued against the idea of lifetime politicians and in support of infusing new voices into our Legislature. We've had 12 years of experience since the first crop were turned out, and Nebraska Farm Bureau believes that reform would better serve Nebraskans' interests. Many senators past and present have noted the steep learning curve new members go through and how frequent turnover of committee chairs make that process even more difficult. The negative consequences of this institutional knowledge gap on process are well established. But this gap has negative consequences on policy outcomes, which is worth noting as well. For example, it's often joked around here that there are only a handful of people in this state that truly understand our very complicated TEEOSA formula. Yet senators that take the time to develop the expertise are frequently termed out before they have time to capitalize on it. And given this unfortunate fact, it should not surprise Nebraskans that many comprehensive proposals of reform have come and gone. A third consecutive term, we believe, would stabilize the turnover of leadership and experience and incentivize the development of expertise on more structural issues, leading to better policy outcomes for all people in our state. I have one final point to make. Not only is there a cost to institutional knowledge, but there's a cost to relational knowledge as well. As we all know, trust is built over time and trust is the capital needed to build coalitions to tackle thorny and complicated issues in our nonpartisan Legislature. And at a time of great divisiveness and polarization, we believe the time has come to give senators a longer period for that relationship building. We believe a third consecutive term will address this problem and lead to a more effective body in the future. So for these reasons, in closing, we, the Nebraska Farm Bureau, think that a limit of three consecutive term strikes the right balance between protecting institutional knowledge and respecting Nebraskans' previous support for term limits. We believe that the second house should have an opportunity to speak on this issue, and we would encourage you on this committee and the full Legislature to support LR18 and put this

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amendment on the ballot in 2022. So I appreciate the opportunity to testify and happy to answer any questions that you have.

HUGHES: Thank you, Mr Swanson. Are there questions from the committee? Seeing none, thank you for coming in today.

IAN SWANSON: Thanks.

HUGHES: Next proponent.

JOHN HANSEN: Good afternoon again, Mr. Chairman and members of the committee. Again, for the record, my name is John Hansen, J-o-h-n, Hansen H-a-n-s-e-n, and I am the president of Nebraska Farmers Union. Our organization has never supported term limits. We have agreed with the characterization by the Chairman that when we have elections, voters make decisions and they get to decide whether someone is returned to office, whether they have done their job or not. And that is as it should be. We have always felt that term limits are a a lazy voter's way of solving a problem that a lazy voter created by using absolutely no skill or no judgment whatsoever. And so you're using simply time and say, well, in lieu of evaluating whether or not the public official's been doing a good job or not, you just go by the numbers. You have an automatic process that kicks in and you don't have to do any more thinking. We have a problem with that. In fact, I was struck today that I actually agreed with everything that the previous witness had to say from the Farm Bureau. If you've been around this place as long as I have, which is I'm now this is 32 years, when you take institutional memory out of the equation on the part of the elected official, where does the power shift? All the power shifts to the lobby. The-- the power shifts to the long-term staff, and it shifts to the institutional department heads who can wait folks out. So by the time they can stonewall, and by the time that folks get up to speed and can actually track all of those assurances that never happened, that then the department head certainly has the advantage where you have less institutional memory. I remember very well sitting in hearings where I saw Jerry Warner take folks to task who needed to be taken to task and reminded what they had said the last time they were before the committee and the time before that and the time before that. And so institutional knowledge is power and we prefer to put the power in the hands of elected officials. So if we had our druthers, we'd have no term limits. But

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three, four-year terms would be preferable to what we have now. And so in that spirit, in the spirit of compromise, we support this proposal. And thank you for your time and consideration and wish you well.

HUGHES: Any questions for Mr. Hansen? Seeing none--

JOHN HANSEN: Thank you very much.

HUGHES: Additional proponents. Are there any opponents to LR18CA? Seeing none, anyone wishing to testify in the neutral capacity on LR18CA? Senator Wayne, you're welcome to close.

WAYNE: Thank you. This has been a very weird year. I've been having farmers testify in favor of my bills and I'm praising public power. This is just-- I think I'm buying a lotto ticket tonight and see what happens. I just was here to answer any questions.

HUGHES: Any questions for Senator Wayne? Senator Lowe.

LOWE: Thank you, Chairman. Thank you, Senator Wayne, for bringing this bill. You realize this committee and that seat would probably be very different without term limits, except for one.

WAYNE: No, I do recognize that. That's why I think we've got to strike a balance between the eight years and nine. I think the will of the voters came through in 2000, that they want some type of term limits and some type of turnover. But in the four years or six, five-- now going on five years I've been here, I don't want to say the waiting out part, but I think this seems to be what's happening with many of our department heads who just wait it out. And that's very frustrating when we're trying to make some changes. But I agree. There needs to be some kind of balance.

HUGHES: Senator Lathrop.

LATHROP: Senator Wayne, did you give any thought to including the Governor in this? The Governor's term limited as we are, and I, you know what, I look at Terry Branstad over in Iowa when he was governor forever. And it seems like some of the governors that I've been around have sort of a short horizon when they get near the end of their eight years and, you know, you spend all the money, you can do a lot of

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different things that you might not do if you could stick around longer.

WAYNE: Honestly, I wanted to probably include other-- other people, but I was trying to vote count and I need an extra extra pressure, maybe. Just kidding.

HUGHES: Very good. Any other questions for Senator Wayne? Seeing none, we have some position letters as proponents from Lynn Rex of League of Nebraska Municipalities; Rocky Weber, Nebraska Cooperative Council; Wendy Hines, the Unitarian Church of Lincoln Social Justice Committee; and Wesley Dodge for themselves and an opponent letter from Judith Hayes. With that, we will close our hearing on LR18CA, and we will see everybody here tomorrow.