

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board March 9, 2023

ARCH: Good afternoon and welcome to the Executive Board. My name is Senator John Arch. I represent the 14th Legislative District. I'll be chairing today's Executive Board meeting as our Chair, Senator Briese, is not-- is not here today. We will start off having members of the committee and committee staff do self-introductions, starting on my far right with Senator Clements.

CLEMENTS: I'm Rob Clements from Elmwood, District 2.

BOSTAR: Eliot Bostar, District 29.

TREVOR FITZGERALD: Trevor Fitzgerald, committee legal counsel.

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

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

RIEPE: Merv Riepe, District 12, which is southwest Omaha and the good people of Ralston.

ARCH: Also assisting the committee is our committee clerk, Sally Schultz, and our committee pages, Fancie Heeren from Omaha, who is a political science and sociology major at UNL; Maggie Massey from Omaha who is a political science major at UNL. This aft-- this afternoon we'll be hearing two bills and we'll be taking them in the order listed outside of the room. On the tables near the entrance, you'll find green testifier sheets. If you are planning to testify today, please fill one out. Hand it to Sally when you come up. This will help us keep an accurate record of the hearing. Please note that if you wish to have your position listed on the committee statement for a particular bill, you must testify to that position during that bill's hearing. If you do not wish to testify but would like to record your position on a bill, please fill out the white sheet near the entrance. Also, I'd like to note the Legislature's policy that all letters for the record must be received via the online comments portal by the committee by noon the weekday prior to the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts that you please bring 12 copies. Give them to the page. If you need additional copies, the page can help you make more. Testimony for each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters of the bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements if they wish to do so. We ask that you begin your

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testimony by giving us your first and last name. Please also spell them for the record. Because the Executive Board meets over the noonhour and members have other hearings beginning at 1:30, we'll be using a three-minute light system today. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the red light comes on, we will ask you to wrap up your final thoughts. I would remind everyone, including senators, please turn off your cell phones or put them on vibrate. With that, we will begin today's hearing with LB696. Welcome, Senator Conrad.

CONRAD: Thank you so much. Good afternoon, Chairman Arch, Speaker Arch, Vice Chair. I don't know exactly what your-- OK, Speaker Arch, members of the Executive Board, my name is Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing north Lincoln's "Fightin' 46th" Legislative District. And I am proud to introduce LB696. LB696 relates to the State Settlement Cash Fund, which was created to be a repository of all settlements that are awarded to our state as a result of harm done to our citizens and the results of lawsuits being brought in one as a result of that harm by our Attorney General's Office. The Department of Justice and the Attorney General maintain the funds and as of a 2011 bill that changed the language to remove legislative oversight of such funds. LB696 would put that language back in statute and would require legislative review of settlement funds. It would also require all funds to be appropriated and expended for legal purposes as determined by the Legislature. So this is an issue that has been widely debated in Nebraska for years. It is not in particular concern or direction of whoever happens to occupy the office of the Attorney General at any particular time. I see this measure as a classic good government measure, one of accountability, one of transparency, and one of ensuring an appropriate oversight role for the Legislature, particularly when it comes to state settlement funds and how that interfaces with our budget deliberations and other matters before this body. So the other thing that I want to draw the committee's attention to is that legislative oversight of settlement funds is not regulated to any particular point upon the political spectrum. A quick Google search will show you that our colleagues in our sister states, Republican, Democrat, red state, blue state, also see similar discussions playing out on the federal level have moved in recent years to increase legislative oversight of settlement dollars for many different reasons. Now, to be clear, some of the settlement funds that the Attorney General's Office does secure on behalf of our citizenry comes with certain strings attached to it in terms of how those

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dollars can be utilized. So I appreciate and understand that and perhaps some of those settlements that come with more strings can be models for more effective transparency and stakeholder engagement. I'm thinking of things like the tobacco settlement or the recent opioid settlements that have, I think, a much more structured process in place to ensure oversight, transparency, accountability and community buy-in. So the other piece that I want to talk just briefly about is, is this. So when the Attorney General takes up the important work of bringing forward litigation on behalf of Nebraska citizens who were harmed, the-- that office is suing in our name on behalf of harm that happened to our citizens. When they receive settlement funds through that litigation, I believe, almost akin to a cy pres type of theory that those funds should be directed to their best and highest purpose to address the harm that was underlying that litigation. They shouldn't be-- those settlement funds really shouldn't be sent into any sort of slush fund, either in the Attorney General's Office or in the state General Fund. We really should be thinking thoughtfully about how to best direct those dollars to address the harm and the underlying litigation. I'll give you a brief example that came up during my previous time in service, and that has continued to spark my interest in regards to this issue. You may remember during the, the recent significant recession that our state and our country looked at in regards to the housing crisis and the housing bubble. The Attorney General's Office worked on a 50-state settlement with other attorneys general across the country to address the harm in relation to some of those financial practices that impacted our housing market and contributed to our recession. So based on the work that happened at that time, Nebraska received a significant amount of funds from that settlement in relation to the banking crisis and the housing crisis. So when I was serving on the Appropriations Committee during that period, because that harm was really so closely related to issues in the housing realm, I made the case to my colleagues that we should try and direct those funds to the greatest extent available to things like the Affordable Housing Trust Fund. Really on that cy pres kind of theory to ensure that, that the harm that was-- the Attorney General was seeking to remedy was really remedied by the utilization of those settlement funds. So that's a quick overview. I know you have a short period of time and an ambitious agenda with Senator Erdman's proposal as well today. I'm happy to keep working with the Attorney General's Office, other stakeholders who are concerned about this issue to further refine the measure over the interim period as well. So happy to answer any questions.

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ARCH: Are there any questions for Senator Conrad? Seeing none, thank you.

CONRAD: Thank you.

ARCH: Will you be staying to close? Well, I'm sorry.

VARGAS: I'll wait till close.

CONRAD: Yes, I'll, I'll be here. Thank you so much.

ARCH: Thank you. We'll now take proponents. First proponent for LB696. Anyone wish to speak as a proponent? Seeing none, we will now move to opponents. Anyone wish to speak as an opponent to LB696? Seeing none, anyone wish to speak in a neutral capacity? Welcome.

MIKE HILGERS: Thank you. Speaker Arch, members of the Executive Board, my name is Mike Hilgers, M-i-k-e H-i-l-g-e-r-s, formerly Speaker of the Legislature and currently serve as Nebraska's Attorney General. And I'm testifying today in a neutral capacity. A couple of points of context. This is one of two-- the Cash Fund is one of two funds touched on this particular bill. The Cash Fund was created in 2006 to receive deposits from various settlements from our Consumer Protection Bureau. Those deposits, when received, are property of the state. That is in contrast to the Settlement Trust Fund. The Trust Fund, actually, we act-- the state acts as a custodian for those monies. We don't have the same kind of control over those dollars as we would as a Cash Fund. Those dollars are very similar to a trust fund you might see in a private-- in a private practice where a lawyer holds dollars in custody for their clients. Historically, the Cash Fund, as opposed to the Trust Fund, has provided for certain personnel needs to the Attorney General's Office for consumer protection enforcement investigation and public duties. The statute relating to the Cash Fund authorizes the use of those dollars for those, those purposes that benefit or those things that benefit the state or the general welfare of the citizens, which we think includes the work we have-- we have done in consumer protection. The Legislature may also appropriate those dollars to other budget programs within our office, and that is actually currently in front of the Appropriations Committee. And I'll give you two examples. One is Program 507, which relates to an increase of prosecutors that fight violent crime in greater Nebraska as well as Program 496, which deals with protecting Nebraska's water resources. So-- and from time to time, that fund, which currently has about \$28 million, the Legislature has appropriated money from that Cash Fund into the General Fund. I think it actually happened early on

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in our tenure together, Senator Vargas. And the Legislature, in addition to putting it into the General Fund, also appropriated those dollars for other specific purposes, including DNA testing programs, capital construction for the State Patrol, and also appropriations for student loan repayments for lawyers in public service or in rural settings. The current practice over the last eight years, certainly since Senator Erdman and Senator Vargas have been on the Appropriations Committee and it's being followed in this budget cycle, is that the state Cash Funds are expended only if appropriated by the Legislature, which I think is, as I read the bill, is one of the primary purposes to ensure that those dollars are spent only via an appropriation. Given that the, the current practice conforms with the description on page 2, lines 21 to 23 appears that that extra language, in our view, is unnecessary. For that reason, our office is neutral on the bill. Having said that, we do have a couple of concerns on the language, and I've already had a conversation with Senator Conrad and would be happy to work with her and her office. But I just would like to point those out very briefly, if I might. Primarily, our primary concern is that this bill prohibits the commingling of funds, which we think is unique and also, I think, unnecessarily restrictive. Our research, and Senator Vargas could correct me, but our research is that we haven't seen another Cash Fund that has this kind of restriction on it. And in fact, in a-- in a current appropriation request in front of the Appropriations Committee, we'd point LB, I'm sorry, Program 496 does do some commingling, which is it has some General Funds for this to protect Nebraska's water rights has some General Funds as well as, and Senator Clements, of course, Chair of the Appropriations Committee, can correct me if I'm wrong, as well as some settlement Cash Fund. So we think restricting that commingling is unique with Cash Funds and also unnecessarily restrictive. It does appear that that language, which, as Senator Conrad mentioned, was in the statute in 2006 but taken out, is modeled-- it's almost identical to the Trust Fund language for the Trust Fund that I mentioned at the beginning. And it makes perfect sense for the Trust Fund to have that restriction, because the Trust Fund is not-- does not contain property of the state. It is not our money. And so therefore we cannot commingle that just like a private practice, a lawyer in private practice cannot commingle their funds with the client funds. That commingling restriction makes perfect sense. We don't think that the logic applies to extend that to the Cash Funds, which actually are, are the property of the state. I think that-- I'm trying to be brief since I only have a couple of minutes. I think that's all I have. I'd be happy to work with Senator Conrad and happy to answer any questions. If, if the committee and if the committee does advance this

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to General File, we just ask that there are a few changes be considered. Thank you.

ARCH: Thank you. Are there any questions for the Attorney General? Seeing none, thank you very much for your testimony.

MIKE HILGERS: Thank you, Mr. Speaker.

ARCH: Anyone else wish to testify in a neutral capacity? Seeing none, Senator Conrad, you're welcome to close.

CONRAD: Thank you so much, Speaker Arch, and thank you so much to the committee and to Attorney General Hilgers for making time to engage with the Legislature on this really important issue. And to be clear, I want to commend and applaud his predecessors, particularly Attorney General Peterson was very aggressive in terms of utilizing the jurisdiction and power in his office to pursue justice for Nebraska consumers and did so effectively in a lot of different, really important litigation strategies across the country. And I anticipate that Senator Hilgers with his talent as not only a legislator, but as a litigator, will continue down that path. That being said, I think it's more important than ever when we see that there is going to be a continued utilization of aggressive litigation strategies to protect the interests of Nebraskans, as there should be, we need to make sure that we keep an eye on those dollars so that they go to meet the harm that was underlying the, the impetus for that litigation in the first place. So if you'll look, of course, at the most recent Legislators Guide to State Agencies, you can see on page 52 there that the Attorney General's Office has, you know, roughly speaking, about 100 employees and about a \$13 million appropriation to carry out the important work in consumer protection, in criminal and civil litigation and a host of important issues that are before that, that agency. And we really need to make sure that these settlement dollars do, do not go into kind of propping up that, that agency. We should be doing a core function of government with General Fund obligations. And these Cash Fund settlements should be with the people to the greatest extent possible. So that's the point for the legislation. Happy to answer questions and work with all stakeholders.

ARCH: Thank you. Senator Vargas.

VARGAS: Thank you, Speaker. And thank you, Senator Conrad. And thank you to Senator, well Senator, sorry, AG Hilgers--

CONRAD: Yes.

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VARGAS: --for his comments. It has been our practice, as Chairman Clements would say, we've made that part of our practice, and I actually didn't realize that this wasn't explicitly stated in statute since we, we have-- we've had Cash Funds and in other instances and as he's mentioned, you know, we do utilize this and have in the past in 2017 when we were trying to backfill and make sure that we weren't cutting a lot of unnecessary programs, we, we, we used some of these funds to make sure that government was still functioning in our internal Nebraska recession during that year when we were down about \$1,000,000,000 in shortfall. So I'm happy to hear that this is something that can be worked out because I think it's something for consistency's sake, especially for so much turnover with the Legislature and, you know, many of us won't be here in four years so appreciate you bringing this bill.

CONRAD: Yes. Thank you so much.

ARCH: Other questions?

CONRAD: Thank you so much.

ARCH: Seeing none.

CONRAD: Have a good afternoon.

ARCH: Thank you. This will concludes-- conclude our hearing for LB696. And we had no ADA accommodated testimony and no written position comments either as a proponent or opponent. We will now open our hearing for LR2CA and, Senator Erdman, you are welcome to open.

ERDMAN: Thank you, Speaker Arch.

ARCH: Excuse me just for a second. Could I-- could I see a show of hands of those who wish to testify on this-- on this bill? OK. Very good. Thank you. Please.

ERDMAN: OK. Thank you. Thank you Speaker Arch. This is the first time I've been in this committee. I'm honored to be here. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent District 47. And I'm here today to present to you a legislative resolution, LR2CA, which is the bill or the opportunity for us to go back to a bicameral form of government. And as you have seen in the opening committee statement, what we're trying to do, I will go over a few things that I think is important for us to understand. And then I would like to-- I have an amendment here we need to pass out, if you would. I dropped this in this morning. I'm sure some of you may not have seen this this

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morning, but here is a copy of the amendment. Right. So what I intend to have a discussion about today is going back to bicameral. George Norris put this in place back in 1937. And I believe, as with all things we do in the Legislature, once in a while, you need to take a review of what you've accomplished and if it is doing what you expected it to do. This is not the first time that someone has brought a constitutional amendment like this. Back in 1997 or excuse me, 2003-- let me look and make sure I get this right. In 2003, Senator Schimek proposed the same resolution or very similar. And then again in 2007, then-Senator Mike Friend did a very similar thing. So the district that I come from for years has been considering or asked someone to consider going back to a bicameral Legislature. And as the Legislature was changed from the bicameral to the unicameral in '37, generally, Senator Norris had done that because it was hard economic times in the '30s, and it was a cost savings opportunity for the state. And it was also recognized at that time they thought it would be a more efficient way to do government. But as you look and see exactly what has been talked about in the past and, and the Founding Fathers, John Adams was one of those in 1776, he said the following. He said, I think the people cannot be long free, nor very happy whose government is one assembly. So for these reasons, he said the following things. A single assembly is liable to all vices, follies and frailties of an individual, subject to fit-- the subjects to fits humor, starts of-- starts of passion, flights of enthusiasm, penalties [SIC] of prejudice, and consequently productivity of hasty results, absurd judgments, and all the errors ought to be corrected and defeated, supplied by some other controlling power. So John Adams at that time said, if you have a one-house system, that may not be the best system to have. So we have done this for nearly 80 years. Minnesota had done a full analysis of the bicameral-- of the unicameral system compared to their bicameral system. I have the document that they wrote when they finished that, that study, and they concluded that the best form of government for Minnesota is the bicameral system. And I-- and I challenge you with this. Many of our states, all the states that surround us have a better tax code, do a lot of things better than we do. And they all have a bicameral. And so what has happened is the population is shifting to the east and we all know that. Currently the three counties in the east, Sarpy, Douglas, and Lancaster, have about 58 percent of the population. And so we have lost representation in the rural parts of the state because the population is moving east. So this bill is somewhat different than any bill that you've seen-- any resolution you've seen before to eliminate the unicameral. And I want to go through some of those things I've stated that the bill states, and then I would take your questions and

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concerns from there. But what we're trying to do is make sure that the representation is not only across the state, but it's also by geography. And so what we shall do, according to what I've proposed, is the Legislature would be-- would be set up of 31, 31 senators, and they would be elected or appointed, excuse me, now with the amendment from three contiguous counties. Those three contiguous counties would then and that's what the amendment-- I'll go over what the amendment says-- the county commissioners from those three counties would elect one representative from each county to serve on the nominating committee that would appoint the senator from that three-- that three-county district. And so on August 1, each one of those counties would represent one representative, would appoint one representative to represent them on that committee. On the day of election, on the day of election in November, that person would then be appointed to serve as a senator from those three counties. The reason that we did one senate-- one commissioner from each county is because if those three contiguous counties, one county had 7 supervisors or commissioners, another county had 5 and one had 3, that would be 12 votes against the 3. The county only has three. So we chose to have one representative from each county set on that-- on that nominating committee. The bill says-- the resolution says that we should have 63 representatives. And as I've been thinking about this over the last couple of weeks, I probably should have amended that to say the 49 legislative districts we have now shall continue, and that should be the House of Representatives. So each one of those counties, those three contiguous counties, would have one senator. And the thought was it's very similar to the way the United States Senate was, was formed back when the Constitution was first written. The states nominated or elected-- the legislatures elected the state U.S. senators. And so that all changed when they put in-- when they did Amendment 17 to the Constitution. And now the senators are elected by popular vote from each state. And so we've heard the issue that this is unconstitutional. And as I was talking to Senator Wayne this morning, he said, you know, generally something isn't unconstitutional until a judge or a court rules it that way. And so what we did back in, in-- with the Amendment 17, Article 17, is we allowed the states to elect their representative statewide as the U.S. senator. And so if you think about that for a second, and the ruling was one man, one vote in the decision made in Alabama back in '67, currently, we don't have one man, one vote in the U.S. Senate. Here's the example. The state of California has 40 million people and they have two senators. The state of Wyoming has 500,000 people and they have two senators. So if it's one person, one vote, shouldn't California have more representation than Wyoming? But the constitutional people who drafted the

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Constitution thought about that. They thought it should be-- have more deliberative body that is more representative of the region they're from rather than from the population. And so as we begin to understand what we're trying to accomplish, I think it makes sense that we have an opportunity to have people appointed from different locations and geographic locations across the state. And, and that's exactly what the resolution does. And it outlines in the bill, it outlines when you should adjourn, who's going to be the, the President of the Senate, who's going to be the, the Speaker of the House. And all those things are outlined in the bill. For the sake of time, I know that I'm standing between you and lunch. I understand that. So, so for the sake of time, I will-- I will try to conclude with that. Now, what we will hear is people will come and say that, that we tried this before and it didn't work. There are other states have a lot more difficult time getting things passed. But as you see what's been happening in the Legislature as we move from the east to the west, from the west to the east with representation, my district and many other rural districts feel like they're being left out. So I think this is an opportunity for us to have a discussion once and for all, have a discussion and look and see does this really fit our needs today, as George Norris thought it would? I would contend that the way we are functioning today, George Norris wouldn't be happy about the way it's working today because I don't think that's what he intended to have happen. And so I will stop there. And if there are people to testify after me, then I will close after that if you-- if you would like.

ARCH: Thank you. Questions? Senator Bostar.

BOSTAR: Thank you, Speaker Arch. And thank you, Senator Erdman. You're always coming with big bills. Do you think that the-- so, again, haven't had a lot of time with the amendment.

ERDMAN: I'm sorry about that.

BOSTAR: Do you feel that the amendment gets around the constitutional challenges? First of all, let me just say that the point that you're making about trying to ensure that the rural represent-- rural population is continuing to be represented and won't end up just getting sort of steamrolled by the eastern part of the state, I think that makes sense. I appreciate that.

ERDMAN: Thank you.

BOSTAR: Do you think that your amendment sidesteps the constitutional challenges in Reynolds and Baker?

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ERDMAN: Senator Bostar, as you well know, I'm not a lawyer, and--

BOSTAR: Nor am I.

ERDMAN: I didn't stay at a Holiday Inn Express or play one on TV. But I don't have an opinion on that exactly. But what I do know is that we need to have different representation than what we have. And if you think about it in this regard, we have like five senators west of Kearney, five total senators west of Kearney. Two thirds of the state geographically has five representation-- five representatives. So if it steps around that, if it gets past that, I would appreciate that. But I don't know that until we have a court tell us if that's true or not. So I can't answer that.

BOSTAR: Thank you.

ERDMAN: But I thank you for that question. And, and as we look at things, you know, and I review things like when I was in business and you look at things that you put in place, it's wise to go back once in a while and review: This was our goal. Did we meet the goal? And so like we did with the NRDs a couple of years ago, we looked back to see if they've accomplished their purpose. I think the same thing is what needs to happen with the Unicameral. Are we what George Norris expected us to be? Or is there another method that's more compatible to making representation across the state? And I think this is an opportunity to do that.

BOSTAR: Thank you.

ERDMAN: Thank you.

ARCH: Other questions for Senator Erdman? I have one.

ERDMAN: Yes, sir.

ARCH: I just want to make sure I understand. Thirty-one senators you said.

ERDMAN: Yes, sir.

ARCH: Appointed by region.

ERDMAN: That's right.

ARCH: Appointed by county board.

ERDMAN: Correct. One representative from each county.

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ARCH: One from each--.

CLEMENTS: Will form a committee.

ERDMAN: Will form a committee, Senator.

ARCH: OK. The committee appoints, the county appoints to the committee.

ERDMAN: Each county commissioner--

ARCH: Got it.

ERDMAN: --board will elect or select one person from their board to be on the committee to appoint the senator.

ARCH: OK. Sixty-three representatives, those would be elected by district?

ERDMAN: By population.

ARCH: By population--

ERDMAN: Yes. And as I said--

ARCH: --as currently done.

ERDMAN: And as I said, I should have thought about that a little more and just made it the 49 that we currently have would be the House of Representatives. And as you look at-- as you look at the way we are elected now, one could say that we really aren't-- senators doesn't describe what we do. We're more of a House of Representatives-- what-- in Nebraska but we call it senators because they-- it's more prestigious to be called senator, right? So I don't know why they did it, but, but that's my thought. But 49 would work and we wouldn't have to worry about redistricting and setting that up in '27 or '25.

ARCH: OK.

GEIST: Could I just briefly?

ARCH: Senator Geist.

GEIST: And just so I'm clear, basically what you're trying to solve here is representation.

ERDMAN: Correct.

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GEIST: OK.

ERDMAN: That's right.

GEIST: OK.

ARCH: Other questions? Seeing none, you'll stay for close?

ERDMAN: I will.

ARCH: Thank you.

ERDMAN: Thank you.

ARCH: We'll now take the first proponent for LR2CA. And if you are-- if you are-- if you are interested in being a proponent, you don't need to wait. Just come on forward. There's some seats up front and we'll let you speak. First proponent, please. OK. Seeing none, we will now take-- excuse me. There was one-- there was one. We did receive one ADA accommodation testimony as a proponent. Jan Haberman submitted--

CLEMENTS: Mr. Speaker?

VARGAS: We still have proponents.

ARCH: I'm sorry, are you a proponent? OK, please.

JEANNE GREISEN: I apologize. I assumed there'd be a lot more people here, so I was writing my notes. My name is Jeanne Greisen, J-e-a-n-n-e, last name G-r-e-i-s-e-n, and I am here in support of this bill. Like I said, I didn't have a lot of time doing it. The definition of insanity is doing the same thing over and over again, expecting different results. And I think we can maybe think of this body as maybe doing that. We have seen how this system works. It no longer works for the people. And prime examples of that are this session alone where we can't even have a rules change for transparency for the second house when the second house is calling for it. Has the number of people voicing their concerns increased over the past years? Can we conclude that the people feel that this Legislature is failing them? I think the answers to those both can be seen by the number of people that are showing up to testify and to send in correspondence. With this session, we had 844 bills introduced this session, which some could be considered bot bills to plug up the legislative process. So how can the legislative process work for the people when we have this kind of activity going on? We have members of this body doing

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everything they can to obstruct the will of the people, whether it be just plugging up on the floor, talking and not letting bills get through when the people of Nebraska have actually said the things that they wanted. And so can we make legislation not work for the people? So when the government doesn't work for the people, then the people need to do something to take back their government. And maybe that will happen in a different way. But in the meantime, this is a great bill to change things because clearly this is not working. And I think people in Nebraska are seeing that more and more every session when things don't get passed. And a lot of it is whether it's their quality of life, whether it's the tax issue, whether they feel like there's government overreach and a lot of those things are happening. And so this is a bill to change the direction to something different because this clearly isn't working.

ARCH: Thank you. Are there questions? Seeing none, thank you for your testimony. Now, are there any other proponents for the LR? OK. Seeing none, we'll now open it to opponents. Anyone wish to testify as-- please come forward-- testify as an-- as an opponent? If you would also be sure that if you were-- if you are intending to speak, that you fill out the green testifier sheet; and when you come up, you can provide that to the page.

NATALIE HAHN: Distinguished Senators, it's my privilege to meet with you today. I'm Natalie Hahn. I'm a member of a fourth generation family that farms in Polk and Merrick Counties. Natalie Hahn, N-a-t-a-l-i-e, Hahn, H-a-h-n. Today is a day that we celebrate our Unicameral, and I'd like to focus on three important points. First of all, we have a jewel. We have a gem. It's a treasure in our Nebraska Unicameral. Secondly, I'm delighted to share with you members from state senators that served in the 1970s. And thirdly, international guests and their impression of the Nebraska Unicameral. And for this reason, with all respect, Senator Erdman, I cannot support your resolution. I think our brilliant Nebraska scholar, Charlyne Berens, said it so well when she stated: Senator Erdman's proposal would return to a two house partisan body with little or no benefit to the people. We have a jewel in our Nebraska Unicameral. Let us remember the brilliance of Senator George Norris, five terms U.S. House of Representatives; five terms in the Senate. He lived in McCook. He crossed Nebraska campaigning for the Unicameral initiative. It is reported that he wore out two sets of tires just going back and forth. In 1920, The New York Times called this initiative the model legislature. It was in 1934 when Nebraska voters approved the one house Unicameral system. I think Senator Norris' wisdom stands so well today in 1937, when the Unicameral first met. He stated: You are

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members of the first legislature of Nebraska to hold your positions without any partisan political obligation to any machine, to any boss, or to any alleged political leaders. Your constituents do not expect perfection. They know that it is human to err, but they do expect and have the right to expect absolute honesty, unlimited courage, and a reasonable degree of efficiency and wisdom. Secondly, I'm delighted and very proud to give each of you the booklet Nebraska Legislative Memories. It was written by my mother, Grayce Hahn Burney, a journalist from Polk, and she was married to my stepfather, her husband, Dwight Burney. He's from Hartington, a farmer. He was in the Nebraska Legislature for 12 years, Lieutenant Governor for eight years, and when Governor Ralph Brooks passed, he was Governor for four months. Now, when you look at this, the 90 interviews and I should say there were only two women then, unfortunately. But there was one quote that really stands out. That's from the late Senator Thomas Damrow of Beatrice and he said it the best. He said Nebraska should be proud of having a unicameral system of government that eliminates the selfish partisanship among political parties. May Nebraska ever be praised. I had the privilege of working with the United Nations for the last 38 years, mostly in Africa, and I brought so many visitors to Nebraska. We would go to Berkshire Hathaway. We would go from Ogallala to Scottsbluff. We would see my cousin's bison farm in Hordville. But the thing that they liked the most and never stopped talking about was the Nebraska Unicameral. In closing, I'd like us to remember the wonderful quote that our beautiful sower statue, the 40-foot statue on tops of our beautiful Capitol for its states: Cast the seeds of life to the winds, to the Nebraska prairie. Dear Senators, let us keep those winds independent and reflecting the choices and empowerment for each senator to independently represent all peoples. And in matching art and symbolism, let us recall the words of Hartley Burr Alexander on the Capitol's north portal, "The salvation of the state is in the watchfulness of the citizen." Let us ensure that watchfulness is based on local needs, particularly independent, and brilliance for all Nebraska. Thank you so much.

ARCH: Thank you for your testimony. Are there any questions? Seeing none, appreciate you coming today. Thank you. Next proponent, excuse me, next opponent for LR2CA.

JEFF STALLWORTH: Thank you, sir. Executive Board members, my name is Jeff Stallworth, J-e-f-f S-t-a-l-l-w-o-r-t-h. I'm a retired public school teacher, currently a substitute teacher. And again, I represent those who watch the Legislature on television and listen to the wrap-up on Nebraska Public Radio. I'm here today to voice my opposition to LR2CA, a resolution to have Nebraska become a two

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chamber partisan lawmaking body. I won't attempt to dissect all 24 pages of the resolution to begin, although Nebraska-- this Legislature is known as a nonpartisan body, practically as a misnomer. Nebraska is a red state, and to me Nebraskans, they celebrate that. Typically, every state senator who represents a district outside of Omaha, Lincoln or Bellevue most likely is a Democrat. In the current Legislature, only one state senator not from those cities is a Democrat. The other 32 senators are Republican. By nature, a two house body creates partisanship. In modern America and Nebraska politics, both parties gulp gallons of the partisan Kool-Aid and are proud of it. The topic or issue doesn't matter. People from all walks of life identify with their side. If the issue is woke politics, anti-CRT, or school choice, there's no need to guess which side of the aisle they're on. Conversely, if the topic is civil rights, police brutality, or antidiscrimination, it's obvious which side of the aisle they are on. This Legislature stands alone, as we know, as the only state in the United States that identifies itself as a nonpartisan body. It should stay that way. The divisive nature of politics nationwide lets us all know there's no real genuine desire for unity in thought or political action. Identity politics reveals the inner belief that, quote, my side is better than your side in all aspects of politics and life. It reminds me of my college years when former President Ronald Reagan won the 1984 election. A classmate of mine asked me, aren't you going to vote for Reagan? Don't you want to be on the winning side? And my thinking was President Reagan's election in 1980 helped end the Iran hostage crisis. That's why I would vote for President Reagan. That's what partisanship does at every level of government. It destroys the ability and the willingness to compromise and work together and focuses more on one side being right and one side being wrong. In conclusion, please remember we live in a red state, blue state world. Since 1937, Nebraska has at least symbolically shown the rest of the country that being nonpartisan as an identifier can diminish some of the political ill will that may occur. Further, if Nebraska were to become a partisan two party legislative body, what would the George W. Norris Legislative Chamber be renamed? Thank you.

ARCH: Thank you. Are there any questions? I see none. Thank you for coming today and testifying.

JEFF STALLWORTH: You're welcome. Thank you for having me.

ARCH: Next opponent for LR2CA.

CHLOE FOWLER: OK. Hello, everybody.

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ARCH: Welcome.

CHLOE FOWLER: OK. Get this all set up. The page is passing around a little pamphlet that we made. I am Chloe Fowler, C-h-l-o-e F-o-w-l-e-r. I am the associate executive director of Nonpartisan Nebraska, but I am here testifying as myself. And last year I was a page. I was a page for this very committee. Senator McCollister always complimented my shoes. But while I was a page serving this exact committee last year, I learned so much about Nebraska, how the policy process functions and ultimately human connection. From sitting either in the front of the floor or even in this very room, I would witness conversations and policy happening within the wings of people who I would never expect to communicate or work together. Serving this board last year made me fall in love with the Unicameral institution. Upon the completion of the session, I was left questioning what I do now. And like any other 20-year-old, I joined a unique, diverse organization dedicated to preserving this very institution and a nonpartisan diversity of thought manner. For those who are unaware, I'm a senior at UNO. I study political science. So sometimes I come up here and I think not everybody has a degree in learning government. Sorry. So upon joining Nonpartisan Nebraska, I was lucky to actually be invited to McCook, Nebraska, to explore and research George Norris' personal library. Nathan Leach and I, who's the founder, were granted special gloves and we got to look through everything. We had a private tour of his house and it was quite fascinating. And it's easy to say that the spirit of nonpartisanship and political tolerance is very alive and very well within McCook, Nebraska, even towards the young people that were there. So while we were there, a lot of people expressed admiration for the Unicameral and were very appreciative and passionate about it. So I often questioned, why am I here besides to be in opposition to this bill? I'm here to remind you that Nebraska got it right on this institution. I'm here to remind you that we are all humans at the end of the day, and a bicameral would only give everyone a bigger headache, including the introducer himself. If there's an issue with policy not getting through our first body, imagine the horror you have to do to get it not through one, but through another. And it will just lead to more partisan nightmares. And I am also here because Nebraska is heavily respected for our ability to listen to constituents, work together, and create good policy. And this resolution is the exact opposite of what good policy is. I wanted to conclude this all by saying that I'm leaving Nebraska to pursue graduate school to research this very institution. I would stay in Nebraska if there were a program that would allow me to, but there is not. So I'm not leaving for tax purposes, contrary to the

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beliefs of many politicians. I am leaving to research this very institution with the hopes of returning to preserve it down the line. I'm leaving to get published, mentored--

ARCH: Your--

CHLOE FOWLER: --and get the tools to burn bad ideas like this to the ground.

ARCH: Your red light--

CHLOE FOWLER: And we'll be damned the day this reverses to a bicameral. I'll answer any questions.

ARCH: Thank you. Are there any questions? Senator Vargas.

VARGAS: So where are you headed?

CHLOE FOWLER: Huh?

VARGAS: Where are you headed?

CHLOE FOWLER: I'm headed to Colorado State for their master's in public policy and public administration program.

VARGAS: Thank you.

CHLOE FOWLER: So I'll be researching local governance, specifically the Unicameral.

ARCH: Any other questions? Seeing none, thank you very much for your testimony.

CHLOE FOWLER: Thank you for your time.

ARCH: Next opponent for LR2CA, please.

TYLER SONDAG: Good afternoon, members of the committee. My name is Tyler Sondag, T-y-l-e-r S-o-n-d-a-g. I think as we've heard from a lot of these people testifying in opposition, there's a lot of pieces going on to this resolution, the three of them mainly being the two body system, representation, and the third one about the partisanship. So I don't have unlimited time today so I'm here just to talk about the representation. And one of the examples given during the opening statement was about, oh, how the United States Senate works and California has 39 million people. But as a disclosure, I'm from Omaha, and how this works now, too, California has about 10 percent, roughly

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12 percent of the U.S. population, whereas Douglas County right now has about 25 percent of the state. And then the way that this bill is concocted with the three counties being combined into one senate seat, theoretically Dodge, Douglas, and Sarpy County could be combined, which would represent roughly 800,000 or so people with one legislative seat. So just really looking at what that means with like 40 percent of the population and using the state as an example, 40 percent would be including California, would be Washington, Oregon, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, and Louisiana, all be represented by one senator. And so that's where when it really comes to, I guess, disenfranchisement of people, I understand it's important to respect people from western Nebraska. I believe that everyone in the state deserves to be heard on every single level. I just think that discounting the voices of those who live in urban population should not be punished because they don't live in rural communities. Thank you.

ARCH: Thank you. Are there any questions? Seeing none, thank you for your testimony. Next opponent for LR2CA, please. Welcome.

WES DODGE: Thank you. My name is Wes Dodge, W-e-s D-o-d-g-e. I'm from Omaha, Nebraska. I'm associated with Represent US. My notes are pretty simple there. I love the Unicameral. I've got a poli sci degree. I've been involved and interested in this for my whole life. We're unique, practical, and independent. When I see this building, I love it because it's unique. You see it from a distance, it makes me think about the Unicameral. It just-- it kind of-- I think we're special in Nebraska, and I think this building and the Unicameral represents that. A unicameral promotes transparency and accountability. What we're doing here today, I love the activity of the ability of the second house to be involved, and we get to have communications with you on what I feel is a fairly effective way. I believe it cuts down on partisanship and the effects of outside influence. That was Norris's purpose when he, he pursued this. He, he looked around. I don't know how much you've read about it, but I think the concepts of this comes from Australia. You know, our secret ballot came from Australia. It's practical. It removes expense and bureaucracy. I know one person on this panel saw ads in the Second District cursing everybody for a proposed pay raise from what you make right now. Let's add 30 people. Let's add 31 people to that and their staff. You know, that's not practical. That's more expensive. We've got a filibuster going on right now. This gives an opportunity to duplicate that. We can do it in the House and we can do it in the Senate and we can all

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pay for it. So I think it's more practical in that regard. It removes the redundancy. Each lawmaker represents an amount of people that's about the same. When the senator testified of why he thought this was important, it scares me a little bit to, to think that there could be 30-- some senators and only one or two would represent 58 percent of the-- or 48 percent of the state and the rest represent the rest of the state. That doesn't seem like one man, one vote. It doesn't seem to be comparable to what our, our Constitution is about. Norris was involved in the Seventeenth Amendment to our United States Constitution. I think-- I can't remember if it was the 20th or the 21st that he was instrumental in getting in. We're kind of blowing up his, his legacy right there for something that I think we do pretty well. I think each lawmaker should make an equal-- a similar amount of people that they represent. I think there's another remedy to this, which I don't have in depth here, but we can take the, the 49 we have and maybe divide the state by 30, have people represent equally and then maybe have three regions with at-large voting for three or four other senators. And then maybe in Europe they have one where people have future legislators. Nobody can be elected that's-- they have a couple of seats for people that are younger than 35 years old or 40 years old. That way you have some people looking towards the future. I looked it up and the average-- the median age in Nebraska is 36. What's the median age of the Legislature? I don't know the answer to that, but I'm guessing it's over 36. So I think that would give us some, some better representation. So those are some things we can look at instead of what we're proposing right now. But the bottom line is, you know, the-- our Legislature is unique, practical, and independent. I have the clause in here that we're Nebraska Nice. I don't think we should be Nebraska compliant and do what other people want us to do. Let's do what we can to keep us unique, independent, and practical.

ARCH: Thank you for your testimony. Any questions? Senator Geist.

GEIST: I wonder if you think one of the things-- one of the reasons that we don't have younger people is because of the pay.

WES DODGE: Because of the?

GEIST: Pay.

WES DODGE: Oh, yeah, definitely. Definitely.

GEIST: I mean, it's hard to live on \$12,000 a year.

WES DODGE: Yeah. I wouldn't be down here if I wasn't self-employed.

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GEIST: Yeah.

WES DODGE: I couldn't-- I couldn't-- I'm 62 years old and I'm self-employed and I got a great assistant. So I drive down and talk to you guys. And yes, that's a huge thing.

GEIST: It is a huge thing.

WES DODGE: And I think that's bigger than this honestly.

GEIST: Especially for younger people that don't have a secondary income.

WES DODGE: Yeah.

GEIST: Thank you.

WES DODGE: Thank you.

ARCH: Other questions? Seeing none, thank you very much for your testimony.

SHERI ST. CLAIR: Thank you. Try to keep to your hour if possible.

ARCH: Thank you.

SHERI ST. CLAIR: I'm Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r. I'm testifying this afternoon on behalf of the League of Women Voters of Nebraska in opposition to LR2CA. The League believes that democratic government depends on informed and active participation and requires that governmental bodies protect the citizens' right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible. Although political scientists have long debated the relative merits of unicameral versus bicameral, arguments made by George Norris in the '30s produced a government responsive to the will of the people. It was adopted a 60/40 majority, and the one house system is believed to be both more democratic and more effective than a bicameral system for several reasons, including that the people are the checks and balances, the second house. Unicameral procedures are easy to follow, giving the press greater privileges and allowing greater public awareness. No action is concealed. Every bill has a public hearing where the second house may voice its opinion, and additionally, committee decisions may be changed or amended on the floor of the Legislature. The one house system is efficient, process is simpler, no deadlock between two chambers or disputes as to which house is the upper, which is the lower. And the cost to the taxpayer,

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as mentioned previously, is lower since there are fewer legislators and institutions to maintain and support. But that's not to say that you all senators don't deserve a raise. As noted by Norris and supported by the League, every action of the Legislature and every act of each individual must be transacted in the spotlight of publicity. I also attached with my letter a commentary which appeared in the Nebraska Examiner entitled Our nonpartisan one-house Legislature isn't broken, so why fix it? This was written by League member Charlyne Berens, professor emeritus of journalism from UNL and also the author of two books on the Unicameral system so. The League recommends indefinite postponement of any action on LR2CA. Thank you.

ARCH: Thank you. Are there any questions? Seeing none, thank you very much. Oh, I'm sorry. Senator Clements. You need to like, OK.

CLEMENTS: Thank you. Is the League of Women Voters a national organization?

SHERI ST. CLAIR: Yes, but I'm talking the League of Women Voters of Nebraska. Yeah.

CLEMENTS: OK. Have they advocated other states to become unicameral states?

SHERI ST. CLAIR: They don't get involved in how states run programs to that extent. But what we're looking for is openness, transparency, informed citizenship, citizenry which we have achieved in Nebraska.

CLEMENTS: All right. Thank you.

SHERI ST. CLAIR: With this system.

ARCH: Thank you. Any other questions? Seeing none, thank you--

SHERI ST. CLAIR: Thank you.

ARCH: --very much for your testimony.

RANDY STRAMEL: Good morning to everyone or good afternoon now. We've gone past that. My name is Randy Stramel. It's S-t-r-a-m-e-l, Randy is R-a-n-d-y. I'm here as a representative of the George W. Norris Institute, which is headquartered in McCook, Nebraska. And by way of a little background, very short paragraph describing the Norris Institute is a 501(c)(3) corporation, which was founded in 2006 in McCook, Nebraska. The Institute was started to promote and improve the social, cultural, and economic strengths of rural communities located

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on the Great Plains. I'm here to read a resolution which was passed by the board of the Norris Institute, a resolution to oppose LR2CA before the Nebraska Unicameral Legislature. Whereas, former U.S. Senator George W. Norris was a fierce advocate for the adoption of Nebraska's one house, nonpartisan, unicameral Legislature; Whereas, LR2CA is a proposed constitutional amendment introduced in the One Hundred Eighth Nebraska Unicameral Legislature, First Session by the Honorable Steve Erdman of Bayard, Nebraska; Whereas, LR2CA's statement of intent states that it converts the Nebraska Legislature from a unicameral legislative system into a bicameral legislative system, provides for partisan elections for both chambers of the Legislature, requires public votes for committee chairs and officers, provides that each legislative district for the senate be comprised of three contiguous counties, while each legislative district for the House of Representatives be determined by population, and requires all meetings in the Legislature to be open to the public; Whereas, if passed, LR2CA would violate Reynolds v. Sims, 1964 U.S. Supreme Court ruling requiring that all state legislative districts be roughly equal in population, preventing states from basing one legislative chamber on population and another on state counties; Whereas, a bicameral legislature which based both legislative chambers on population would only increase the number of politicians elected proportional to the state's population and therefore not increase representation for rural Nebraska; Whereas, a bicameral legislature would require more staff and office space and likely decrease the total amount of staff and resources available to Nebraska lawmakers, making it harder for representatives to be independently represent their constituents; Whereas, a bicameral legislature would require far more complicated and harder to follow legislative procedure and processes, require more legislation for constituents to track and follow and make it harder for the people of Nebraska to hold lawmakers accountable; Whereas, the added complexity of a bicameral system would require more centralized control by party bosses, making it more difficult for lawmakers to think and act independently; and Whereas, LR2CA removes the requirement for nonpartisan legislative elections, which would likely force nearly 22 percent of Nebraska registered independent voters to affiliate with private political parties in order to vote in taxpayer-funded primary elections. Therefore, be it resolved, George W. Norris Institute opposes the advancement of LR2CA currently before the Nebraska Unicameral Legislature. Be it further resolved that a copy of this resolution shall be sent to the collective members of the One Hundred Eighth Nebraska Legislature, First Session.

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ARCH: Thank you for your testimony. Are there any questions? Seeing none, thank you for coming today. Next opponent for LR2CA.

JOSEPHINE LITWINOWICZ: Just a second. Please, just give me a minute on the the time. Can you give me a minute on time? It took me a minute to get up here.

ARCH: Please, you can proceed.

JOSEPHINE LITWINOWICZ: OK. I won't pay attention to time.

ARCH: Well, well, not totally right but please proceed.

JOSEPHINE LITWINOWICZ: Hi. Welcome. I think I mean welcome. Thank you, Chairman Arch and members of the committee of the Executive Board. My name is Josephine Litwinoeicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. First of all, I want to say-- I think to address the woman what she said beforehand, is that the pay, should have a pay raise. That should be at least \$30,000 or more. That will prevent just the rich from coming. And like Senator McGill, who had two other jobs. Anyway, I just wanted to, you know, we have a partisan Legislature already. You know, Senator Walz, you know, didn't get to the Education Committee. It was a 17 to 2 vote. And so we have that. So we don't need-- in a bicameral-- I think a unicameral legislature works well if you really truly don't have a partisan legislature. I just think that it just-- and to have them elected by the public, the chairs. Look, I'm sorry. I would fight to defend for everybody to have the vote. But let's face it, I'm sorry. With everybody working just to stay alive, not everybody should vote. I mean, I'll say that not every citizen should be allowed to vote, even though I'd fight for it. And so I think you guys ought to do it, because otherwise, I mean, we're getting rid of the Board of Education. I mean, we're doing all kinds of stuff to establish a Christian-- Christian caliphate. You know, I don't disagree with religion [INAUDIBLE] voting. But I mean, I really I pray and I just don't think any one sect should be favored. And then, yeah, I agree that the Legislature should be open to the public and all meetings open. Thank you, Senators. That was a more simplistic, kind of visceral, you know, presentation than the others maybe. But I really feel strong and take care, guys. Any questions?

ARCH: Thank you for your testimony.

JOSEPHINE LITWINOWICZ: Probably not. Hey, have a good one.

ARCH: OK. Thank you. Next opponent for LR2CA, please.

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ROBERT SMITH: Chairman, committee members, my name is Robert Smith, R-o-b-e-r-t S-m-i-t-h. I'm honored to have an opportunity to speak before you this afternoon. It's my first time testifying. I really do hear what Senator Erdman is saying about representation in the western part of the state. There's only five senators; but I think that George Norris, who would want representation for people and not for land. Times have changed. There's so many things that we could be doing with technology to increase communication with this body. Are there ways that we could set up a day care so that if somebody was coming in with an elderly adult or with a child, they could leave them so that they could come and testify before your committee? Are there ways where you could, you know, we're exploring ways to increase telehealth to improve rural healthcare. Are there ways that we could use videoconferencing to communicate with state senators? The salary issue, it's, it's been talked about year after year. And I'd like to see a wider range of people serving as senators in the future that, that when you look, you see all of those faces from people from all different walks of life. The amount that we pay now excludes too many individuals from serving. And I think with all the conversations that we've had about trying to keep young people in the state, that would be a way to do that. We would keep some of those wonderful leaders and not see them leave for other opportunities. They would come here and serve. One thing that would be simple rather than creating another body and buildings and offices and staff right now in odd years, we, we ask you to serve for 90 days; in even years it's 60. Wouldn't it be simple to just increase that? Could we even that out? What if-- what if you served 100 days each year? Those are solutions, I think, that are more cost effective. And I think that those are ways that we have greater participation. And I don't think anybody wants to grow government. I'm sure George Norris wouldn't.

ARCH: Thank you for your testimony. Are there any questions? Seeing none, thank you for coming today.

ROBERT SMITH: Thank you.

ARCH: Next opponent for LR2CA, please.

BRUCE McDOWELL: Mr. Chairman, members of the board, my name is Bruce McDowell. It's B-r-u-c-e M-c-D-o-w-e-l-l. I'm here speaking in opposition to LR2CA. I'm from McCook. George Norris is a big deal in McCook. Heck, we even named a street after him. He spent 1934, a couple of months in the fall traveling the entire state of Nebraska supporting the Unicameral. Pundits didn't give him much chance of winning that fight. There was only two newspapers in the whole state

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that supported him. Well, to their surprise, he got 60, almost 60 percent of the vote, which means people were ready for this change. To take it backwards now would be a huge financial hit to the budget. I, I haven't seen a fiscal statement, but I-- it would have to be substantial. And I'm pretty sure that's not what he had in mind when he-- the fact is they did a study the first year of the unicameral compared to the last year of the bicameral. And I know it doesn't translate to today. But it cost just about half the first year of the unicameral. The session was 12 days shorter and they passed more bills in the unicameral than they did in the longer session of the bicameral. I can't even imagine what the-- I'm sure he's twisting in his grave. He is still thought of as a very intelligent guy and perhaps ahead of his time. But I would hate to see us change and go back. Thank you.

ARCH: Thank you. Thank you for your testimony. Are there any questions? Seeing none, thank you. Thanks for coming today. Next opponent, please.

CARINA McCORMICK: Hi, my name is Carina McCormick, C-a-r-i-n-a M-c-C-o-r-m-i-c-k. I'm here to oppose this for many reasons. We've heard Charlyne Berens mentioned a few times here. A little bit of trivia, that's actually where I met your legal counsel back on the first day of college in 2001 in Charlyne Berens' class on First Amendment rights or freedom of speech in particular. So we've both come a long way since then. But that's actually when I learned that other states have two houses for their state government. I never saw a reason for it. It never occurred to me. I'd learned about why the federal government has two houses, which totally makes sense because a state is that, that legal entity. But this weird amalgamation that Senator Erdman has dreamed up just doesn't have at all the same merit as the Great Compromise that we're so proud of in American history, especially this kind of like cobbling together of the three counties. And I'm especially concerned that they wouldn't even be elected by direct representation. But just in general about the two bodies, it's a little embarrassing to admit how much of my sense of humor is quoting Onion headlines, but there's one I think about a lot. Onion, by the way, is a satirical newspaper, and it was about the federal government. It said U.S. government to save billions by cutting wasteful senator program. And it was kind of a joke about how silly that would be at the federal government. But I read that and thought we did it. We saved all of that money by cutting out that redundant, wasteful senator program we call our, you know, House of Representative senators and thinking about their representation, I am extremely concerned that Senator Erdman came up here and said, oh, I

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want to do this to give rural Nebraskans disproportionate say in making our laws. Like, and I, I don't think it's fair to the more urban senators to sort of act like they're not taking the rural issues into account. I especially want to commend Senator Wayne for his role in redistricting. Right. So we all know Wayne is from a very urban area, but he spent so many hours making sure that with the redistricting last summer that rural area senators each had the same number of people as urban area senators. And he did that in a very fair way. I testified yesterday or two days ago, I don't remember, at Appropriations about supporting rural workforce development. Like, we all know how important the rural areas are to the state and we're accomplishing support for rural areas already with our, our Unicameral. So I think that's most of what I wanted to say. I love the state Legislature. This is where I had my wedding. It was on a Thursday, actually. I think your bill was having a hearing downstairs, Senator Geist, like during the time of my wedding, and that was really special to me. Let's keep this specialness.

ARCH: Thank you for your testimony. Any questions? Seeing none, thank you for coming today. Next opponent for LR2CA. How many other would like to testify in opposition to LR2CA? Please come forward and be ready to testify. We, we, we would like to be out of the room by 1:30. I'm sorry. There's another committee right behind us. Thank you.

CLEMENTS: It's my committee.

ARCH: It's your committee. OK. All right.

HEIDI UHING: Hello, Senator Arch and board members. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. And I'm the public policy director for Civic Nebraska. I'm here to speak in opposition to LR2CA. Having reported on the Legislature for 15 years, I saw firsthand how the rules and traditions of this body can preserve nonpartisanship. It leaves room for each of you to be making your own decisions on each issue. This independence is intended to allow you to best serve your district while producing more thoughtful policy that serves the state as a whole without the pressure of national party interests that overlook and overshadow local party needs or I'm sorry, local policy needs. Most importantly, for civic engagement every bill introduced receives a public hearing, not just those introduced by senators of the same political party as the committee chair. Every senator has the chance to make the case for their bills, and significantly, the public is afforded the opportunity to voice their opinions on every single one. This is how Nebraskans serve as the Legislature's second house. One of Norris's primary motivations for doing away with a bicameral is

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the benefit of no longer needing a conference committee to reconcile differences when the two chambers of a bicameral legislature pass different versions of a bill. With a unicameral system, he said, every act of the Legislature and every act of each individual must be transacted in the spotlight of publicity. In Nebraska prior to 1937, the appointed six-member committee met in secret and members' votes were not public record. Norris said these committees had too much power and could be easily influenced by lobbyists. Once a bill came out of the conference committee, it could not be changed, only approved or rejected. Today, under our unicameral system, lawmakers propose amendments and debate them openly on the Chamber floor, on public record, as it should be. The argument in favor of conference committees was that they prevented hasty legislation. But the unicameral system has safeguards against this possibility. Nearly all bills must have public hearings. At least five days must elapse between a bill's introduction and its passage, and the bills may contain only one subject. This session is an excellent indicator of how bills can be prevented from passing too hastily. Another notable aspect of nonpartisanship is on display when our senators elect their internal leadership positions for Speaker and committee chairs using private ballot. This allows senators the autonomy to vote for leaders they believe are most qualified to serve in those roles rather than those-- rather than one who is most politically powerful. Finally, this bill would nearly double the number of Nebraska lawmakers. Aside from the logistical question of where in this building you put another house of the legislature and their staff and how much that would cost, it's worth noting that Senator George Norris's opinion on the matter is that he equated the two houses of the Legislature to two boards of directors at a bank. This structure is not only redundant and inefficient, but it creates an adversarial relationship between two dueling bodies that only increases rancor and scapegoating. I think we can all agree that we'd like to see less of that.

ARCH: Thank you for your testimony. Are there any questions? Senator Clements.

CLEMENTS: I have one. Regarding Civic Nebraska, you talked about it's good that the committee no longer meets in secret. What's your position on voting for committee chairs at the Unicameral?

HEIDI UHING: Yeah, I discussed that here. We support maintaining the secret ballot. And the reason for the discrepancy is that the outcome of this committee that reconciles the different votes from the two different houses of government results in legislation that affects

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every Nebraskan. Whereas the secret ballot that elects leadership positions is an internal decision made by senators that affects only the makeup of the Legislature and not the outcome of policy.

CLEMENTS: All right. Thank you.

ARCH: Any other questions? Seeing none, thank you for your testimony. Next opponent, please. Welcome.

CINDY MAXWELL-OSTDIEK: Thank you.

ARCH: Proceed.

CINDY MAXWELL-OSTDIEK: Good afternoon, Vice Chair Arch and members of the Executive Board committee. My name is Cindy Maxwell-Ostdiek, and that's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I am a mom and a small business owner and a volunteer and a registered nonpartisan. I ran for Nebraska Legislature in District 4, which is west Omaha, and I co-founded the Nebraska Legislative Study Group several years ago and we strongly oppose LR2CA. I wanted to thank you for holding this hearing open for everyone today. I understand there's another one scheduled to start momentarily, but it is so important that we participate as the second house and that you not only hold this open to hear us, but that you listen to what we're trying to share with you about the priorities for our families and our businesses. The committee hearings have not all been held open this session, and we're very disappointed in that. This resolution would take our state in the wrong direction towards more partisanship. And one of the things that I really appreciated Senator Erdman mentioning as one of his concerns is about the question of concentration of our state's population to the eastern part of the state and representation in rural Nebraska. I would suggest revisiting the idea Speaker Scheer brought a few years ago when he proposed potentially increasing the number of senators so that that representation could be more close to the members in those districts. We believe senators would be better served if they were to intentionally include everyday Nebraskans in the second house to help them develop the best laws for our state. We ask you not to advance LR2CA. We want you to ensure that we can all participate in the Unicameral. You're making decisions about our lives, our livelihoods, and our loved ones, and we do not want that to become more partisan. Thank you.

ARCH: Thank you for your testimony. Any questions? Seeing none, thank you very much for coming.

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CINDY MAXWELL-OSTDIEK: Thanks.

ARCH: Next opponent. Is there anyone that wish to testify in a neutral capacity? Seeing none, Senator Erdman, while you're coming, I would-- I would note that there were written position comments from 42 proponents and 38 opponents.

ERDMAN: Thank you, Senator Arch. I'll be real brief. The committee statement [SIC] was incorrectly submitted. The bill, the resolution does not eliminate the nonpartisanship of the Legislature. It does not. It doesn't address that. And the committee statement when we wrote that that was incorrectly stated so that the nonpartisanship would continue. And Senator Geist asked a very, very appropriate question. Are you just interested in representation? The answer was yes. And so it wasn't-- it's not the intent of the resolution that I've introduced that would eliminate the nonpartisan Legislature. So-- and, and people talked about the second house. The only way09-17-24 we have a second house is we let people vote on it. They get a chance to come and talk at the hearings like they did today. But to really have a voice and be the second house, they need to be able to vote on stuff. And that doesn't happen very often. So appreciate your time. The last time they did it, there were no testifiers either for or against. OK? And I thought that would be very similar today. So perhaps I'm on the right track.

ARCH: Thank you, Senator Erdman. With that, that will conclude the hearing for LR2CA and the hearings for the Executive Board for the day. Thank you for coming.