

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board July 26, 2024

AGUILAR: Good afternoon. Welcome to the meeting of the Executive Board. My name is Senator Ray Aguilar. I represent 35th Legislative District, and I serve as Chair of the Executive Board. We will start off having members of the committee and committee staff do self-introductions, starting at my far right with Senator Clements.

CLEMENTS: Rob Clements, District 2.

BALLARD: Beau Ballard, District 21.

BOSTAR: Eliot Bostar, District 29.

LOWE: John Lowe, District 37.

TREVOR FITZGERALD: Trevor Fitzgerald, committee legal counsel.

ARCH: John Arch, District 14.

RIEPE: Merv Riepe, District 12.

VARGAS: Tony Vargas, District 7.

JACOBSON: Mike Jacobson, District 42.

AGUILAR: Also assisting the committee is our committee clerk, Sally Schultz. With that, we'll move on to the first item on the agenda.

TREVOR FITZGERALD: The first item we wanted to discuss, and actually, Senator Clements passed the handout around, as well. We wanted to make the board aware that two of the bills that were introduced at the request of the Governor, LB2 and LB3, have some potential impacts to the Legislative Council's budget. And we wanted to make the board aware of that. LB2 contains two sets of changes. First LB2 lapses \$5 million in reappropriated funds. That \$5 million consists of \$3.5 million in Program 122, which is Legislative Services. That program generally includes the senators' offices' budget. So any senator staff salaries, office supplies, computers for, for your offices, as well as travel request per diems, those kind of things. Have I-- did I miss anything, Shelley? OK. And then \$1.5 million would be lapsed from Program 123. That program is the Clerk of the Legislature's Office. The second piece in LB2 is a reduction in ongoing general fund appropriations of \$2.5 million total. Of that \$2.5 million, \$1.75 million would be in legislative services of senators' offices, and then \$750,000 would be in the Clerk of the Legislature's Office. The other piece, which is a-- pieces in LB3, is, is less direct of an

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impact to the Legislature. It would direct-- there's language in LB3 that directs all investment earnings of, of cash funds to the General Fund, and that would impact a handful of cash funds that exist within the Legislature. The Legislative Shared Information System Fund, which I believe is legislative technology related, Statutes Cash Fund in the Revisor's Office, the Clerk of the Legislature Cash Fund, and then the Biotechnology Development Fund. So just kind of for, for perspective and-- Senator, I-- or I-- go ahead, Senator. Why don't you ask your question?

VARGAS: Does-- do these budget issues within LB2 and LB3 that affect us impact the reappropriations that we allocated to the staff salary increases?

TREVOR FITZGERALD: Theoretically they could. But I'll let Senator Clements talk for--

AGUILAR: Senator Clements.

CLEMENTS: Thank you, Mr. Chair. If you look under the expansion [SIC] column next to the last column, at the bottom of that, there's \$31,954,000 of expenses. And then you've got an asterisk that includes the 15%. That's 15% salary increases, the new laptops next year, and the pay advance next January are already figured in as expenses-- estimated expenses, if that answers your question. And then the remaining balance at the end of this fiscal year, the unexpended on the second block down, would show \$4,950,000 under Program 122, which is Legislative Services, which is per diem for senators and all of our staff salaries. Would you mind if I went ahead and reviewed this handout? May I? The bottom line is the Governor's recommendation is a re-- is a \$5 million reduction of lapsing money that is leftover June 30 of '24, and then another \$2.5 million, reducing the base going forward. I'm going to recommend-- well, we don't-- we're not going to vote on this. But I-- as I've analyzed this, look at the second section down, line 122, services, currently projected \$4,950,000 extra money after we have all the expenses. If you take out \$3.5 million of lapse and then another \$1.75 million base reduction, we would be -\$300,000. That's -300K of expected balance. So I'm, I'm, I'm thinking the negative-- the 300-- \$3.5 million of lapse is available. That would leave us \$1,450,000 expend-- unexpended carryover, which would be like a 10% reserve. And you can see down below toward the right, it says 122 services, currently \$4,950,000 excess money, you take off, 30-- \$3.5 million leaves \$1,450,000. I think a 10% reserve is more like it, rather than projecting a -\$300,000. Then, then the Clerk's balance-- that line 123 shows \$898,548 projected remaining balance.

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The Governor's proposing to take \$1.5 million and another \$750,000, which would mean a -\$1.35 million. You go down to the very bottom, the 123 clerk, \$898,000 remaining balance is a 12%-- 12% of expenses. And that's how we do our cash reserve with the state. We use 16% currently, of expenses. And I am-- I'm thinking no reduction in the Clerk's amount would be more appropriate to leave them with 12% remaining balance. And for the mid-- center middle potential costs that legislative services could still-- that might need the \$1,454,000 would be outside legal counsel fees or outside Speaker's fees, that are not projected to be already estimated expenses. So, the committee-- Appropriation Committee will have to decide on this. But I just wanted to let you know that my recommendation probably will be to lapse \$3.5 million, not take \$7.5 million, and leave us reserves of about 10% and 12%. So that's-- and Keisha with the Fiscal Office is here, if you have any questions more for Keisha.

AGUILAR: Speaker Arch.

ARCH: So this is a general question maybe to you, Senator Clements. I, I don't think we've ever had-- with-- before this Exec Board a discussion of our reserves. You know, do-- I mean, how much is too much? How much is too little? What are we reserving it for? What are the projects in the pipeline that we would anticipate-- which is what concerns me when we just say, well, you have too much money. You know, I mean, I don't, I don't know what that means. It's, it's, it's relative to your projects, it's relative to your expenses. And so I, you know, I appreciate your thoughtfulness, Senator Clements, on this issue. And I, and I think we need more thoughtfulness. Because we did this-- did-- was this in-- was it in our biennium budget that we also-- that there were certain cash funds that were, that were pulled in, in the last biennium budget? I, I just sense that, I just sense we've been here before. And, and like-- and this message of you have too much money has been sent to us. And I-- and, and I think we, I think we allowed some of those cash funds to be pulled the last time, but anyway. Keisha?

KEISHA PATENT: Yeah. So relative to the Legislature's budget in the, in the biennial budget that was passed in 2023, there weren't specific funds lapsed or reduced in any way in that sense. But, there was, I guess, a use of these reappropriated funds that are reflected on this handout for certain expenses that were expected of the Legislature. That would include the additional 15% in-- salary increase this July 1, July 1, 2024, the cost of the laptops and computers for all of the Legislature, there was a position in the Clerk's Office that was intended to be funded with, with all of these carryover funds. So

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there wasn't new money appropriated for those specific items. It was anticipated in the budget that, that those would be accommodated with the carryover funds.

ARCH: I just wanted to comment. I mean, I think we're all for being fiscally prudent and not just piling up cash. And, you know, I mean, that's not, that's not what our job is, is to bank money. It's just that without, without that thoughtful analysis of, well, what are the projects that are coming that-- and if we do this, then what happens to the Clerk and, and the projects? And I know there's, I know there's been discussions with the, with the executive branch about swapping some rooms and, and, and, and honestly, I think it all makes some sense, but it takes some dollars to do that. So if we strip those, then we may not be able to do that. So I just-- it just-- so when-- I guess when the Appropriations Committee considers this, I-- if you're requesting more information to make those calls, the more information, the better I think.

CLEMENTS: Yes. If there are un-- unknown planned expenses, you know, like the outside legal counsel or [INAUDIBLE] or other items, we need to know that. And we would-- we always do make allowance for future expenses that we are made aware of. And I-- but anyway, I-- the other thing, I think the Appropriations Committee is going to be seeing a request of about \$120 million of lapses of funds. And I, I think it's good for the Legislative Council to at least have a \$3.5 million reduction, so we're-- we have skin in the game and we're contributing.

VARGAS: I, I hope through the hearing process, we learn a little bit more about what the needs are from agencies or for leg services. I don't know who would be testifying to us, I don't know who might be [INAUDIBLE].

TREVOR FITZGERALD: His-- histor-- historically, the Chair of the Executive Board is the--

VARGAS: OK.

TREVOR FITZGERALD: --ind-- individual who presents the, the budget hearing. Obviously, we're in a unique situation with a proposed cut, too.

VARGAS: We have made self-imposed cuts in the past in-- for Exec Board or for legislative services. We've done that for per diem. We've done that for traveling. We've done that in the cases of trying to address a shortfall. My only caution, then we can move on because we don't

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have a hearing yet, is we've created a culture that tells the Executive Board, or leg services ,or leg salaries of the Clerk that with your reappropriations, we want you to fund these things. And that's why this partly exists, because they're being fiscally sound, and are thinking about things in the future. Some of it is reactive. Some of it is planned out. Some of it is not. Some of it is based on the things that we bring as bills. And given the forecasted shortfall that we're expecting at the end of this next biennium, rebasing our own legislative services seems a little foolhardy, given we, we may not be able to fund them more if there is something else that comes up. So I know it'll come out of the hearing, but this is a new culture that we're taking on, of telling them, use your reappropriation. What happens if they don't have reappropriations to use in the future? I know this is what we'll discuss in 3.5 versus 7.5, and I appreciate that, but I just wanted to make that clear since it will be you, Chairman Aguilar, coming to testify about this.

TREVOR FITZGERALD: If I could, I think Senator Clements mentioned this and-- as well as Speaker Arch. So one of the kind of more unpredictable expenses that we tend to have is the hiring of outside counsel. We can't predict, you know, when a situation is going to arise. Obviously, we have the situation where we're currently-- we've retained Marty Jensen. Had that situation gone to court, it would be a very expensive legal bill that, that we would be facing as, as an agency, far, far more than what we are currently paying her. Another piece I think that often gets overlooked is so-- under our workplace harassment policy, there's a, there's a panel appointed of, of three members of the Legislature, and then that panel has to make a decision to appoint an investigator. It has become something of the tradition to hire an outside law firm as the investigator, rather than rely on internal legislative staff so you don't have some legislative staff investigating other legislative staff. And so, that comes at a cost as well. And that-- those-- both of those items are drawn from reappropriated funds. We don't have a pot of funds that we appropriate for outside contracts. We rely on reappropriated funds to, to expend those items. So, I think we are going to ask the Clerk to speak as well, since this is specific to his program.

BRANDON METZLER: Thank you, Chairman Aguilar, members of the board. As Senator Clements said, you know, I-- I'm in lockstep with, with the numbers that he's articulated. I, I will tell you, as has been shared, you do have that ability as the power of the purse. I mean, the Legislature traditionally has, you know, carried over funds for reasons that, you know, you don't then have to go in and ask, right? Your display boards, back in, in 2019, those-- that upgrade was paid

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for with carryover funds. As Speaker Arch alluded to, there are ongoing negotiations with the Governor's Office. Quite frankly, there's going to be a call to the administration if, if these cuts were to go through, that we need to basically take a step back from those negotiations because we can't pay for our half of the remodels that would be necessary. So there are those type of things that the Legislature has always kept some funds in reserve for. I will say, on the other hand, I, I wholeheartedly agree that a directive from the Executive Board to division directors and those that manage legislative services, funds would be welcomed, at least from my perspective and I, I would think from other division directors, of-- there are many of us that have taken over the position from those that came before us and have not even had a chance to put forward our own budget to make those-- to, to show that we are fiscally responsible with our funds. So I think from my perspective, to cut immediately without allowing me to go in through a budget cycle and make some of those changes and, you know, tell the Legislature I-- what I need and where I need it, but also be fiscally responsible. That's imperative to me, and, and I hope that the, the Exec Board takes it under consideration. Thank you.

AGUILAR: Thank you, Brandon.

TREVOR FITZGERALD: I guess the only other thing I would have to add is like I referenced, the Fiscal Office reached out to agencies that had-- were impacted by LB2 and LB3, and did ask for representatives to testify at the hearing. So presumably, what [INAUDIBLE].

CLEMENTS: Yeah. If there's, if there's information that we haven't heard about for future expenses that, that are coming, we'd like to know that. Thank you, Mr. Chairman.

AGUILAR: Anything else?

TREVOR FITZGERALD: Anything else? Unless you--

AGUILAR: In motion.

TREVOR FITZGERALD: Well, that's, that's the question actually. In some past instances when there's been a change to the, like the proposed budget for the Legislative Council, in some cases, the board has taken a vote to authorize the Chair to, you know, testify in a particular manner or, or something like that. I don't know if there's an interest in the board in formally making a motion to authorize Senator Aguilar to testify or anything like that.

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VARGAS: I mean, my-- in-- I would hope that we do-- I don't know if it's in support or against that we come in neutral, but we say that there are cost efficiencies. We are asking our agencies and departments to look at what they could be. It's short notice, but I have a hard time saying yes, I support this, right? And, and I don't-- also have a hard time saying like, no, we don't support having skin in the game.

ARCH: I think-- so. I think the most important is, is making sure the Appropriations Committee gets the information they need to make a decision. And, you know, to, to-- just making sure. And whether that's carried by Senator Aguilar to that committee or however it gets to the committee, they need information to make this decision versus, oh, there's \$6 million sitting there, what-- you know, I don't think you, I don't think you need that much money. That-- that's not a good way to make a decision. So they need information. So what-- is that Senator Aguilar that brings that? Is that, is that communicated some other way? I don't know.

TREVOR FITZGERALD: I think we were presuming that Senator Aguilar would, would do that, but we wanted to have this conversation with the board.

LOWE: I'll make the motion for-- to authorize Senate Aguilar to testify.

ARCH: Second.

AGUILAR: We have a motion and a second. Sally.

SALLY SCHULTZ: Starting with Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Senator Vargas.

VARGAS: Sorry. I had a question. Is-- this is just to testify and not to testify in a position?

TREVOR FITZGERALD: Well, the motion did not state a particular position.

VARGAS: That's fine. I just wanted to make sure it's clear. OK. Yes.

SALLY SCHULTZ: Senator Vargas is a yes. Excuse me. Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Senator Bostar.

BOSTAR: Is this something that needs a, a motion?

TREVOR FITZGERALD: Tra-- traditionally, whenever there's been a, a-- kind of a, a deviation from what the proposed Legislative Council budget is, that's, that's the action that's been taken.

BOSTAR: But is that what's-- I-- I'm sorry, but I'm not clear that that's what's happening. If, if the idea is that just--

TREVOR FITZGERALD: Right.

BOSTAR: --our Chair can testify, I don't understand why we're setting the precedent to vote on that.

TREVOR FITZGERALD: The, the Chair could-- Senator Aguilar could certainly testify in his own capacity. This is effectively authorizing Senator Aguilar to testify in-- on, on behalf of the board. That's--

BOSTAR: We don't--

TREVOR FITZGERALD: --that's what we took when we--

BOSTAR: --but there is no position of the board. Correct? And we're not establishing one.

TREVOR FITZGERALD: The, the motion did not establish a position.

BOSTAR: Right. So I-- I'm not voting.

SALLY SCHULTZ: Senator Bostar not voting. Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Motion is carried, 7-0-1-1.

AGUILAR: Next up, proposed changes to the nepotism policy. Trevor?

TREVOR FITZGERALD: Thank you, Senator. The next few items are kind of cleanup policy changes. We would have taken these up at our last month's meeting, but we had a few other items on the agenda. So the nepotism policy was actually established back in 2009, as part of our personnel policies. It happened at the same time that there was actually a statute adopted regulating nepotism by state government. Basically, we, we established in statute a nepotism policy for executive branch and then encouraged the legislative and judicial branches to adopt policies. It was discovered earlier this year that we never actually defined what family member meant under the nepotism policy when we adopted the policy in 2009. And a, and a question came to a county about what constituted an immediate family member. The change to the policy would simply adopt the definition of family member that's currently in statute as part of our policy, so that it's clear that that is what is intended by our policy. So.

BOSTAR: I'd move to adopt the recommendations to the policy.

BALLARD: I'll second.

ARCH: Question. I'm not calling the question. I have one.

TREVOR FITZGERALD: Yes.

ARCH: Are-- will you be bringing back a definition of romantic relationship as well?

TREVOR FITZGERALD: There is not a definition of romantic relationship in statute currently, so we would have to--

ARCH: Probably a good idea. OK.

TREVOR FITZGERALD: We kept this clearly as a--

BOSTAR: Let's do the easy stuff first.

TREVOR FITZGERALD: --we kept this clearly as a cleanup. Yeah. That may-- that's probably going to involve a bill.

BOSTAR: Still. So

LOWE: Second.

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SALLY SCHULTZ: I've, I've got a motion by Senator Bostar, a second by Senator Ballard to adopt the new nepotism policy defining family member. We're going to start with Senator Bostar.

BOSTAR: Yes.

SALLY SCHULTZ: Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator, Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Motion is carried, 8-0-0-1.

AGUILAR: Proposed changes to sick leave policy.

TREVOR FITZGERALD: Actually. Interim stamp. Skipped one.

AGUILAR: Oh, I'm sorry. Excuse me. Number 2, proposed interim stamp policy. New interim stamp policy.

TREVOR FITZGERALD: Yes. This is a revised policy that our office has been working with Legislative Accounting on. The interim stamp policy has not been updated since the 1990s, which, importantly, pre-dates email. So under the current interim stamp policy, senators can get up to 1,500 stamps that they can take home with them to their district

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and use to send mailings from home. Increasingly, we are seeing fewer offices actually taking the stamps. And the-- some-- it-- the, the idea is that you can get up to 1,500 stamps, but you can get them all at once or in batches. And then you return the stamps you don't use at the end of the cycle. We're seeing fewer senators' offices using the stamps. And we're also seeing fewer senators' offices that take the stamps returning the stamps. So, we aren't seeing any returns. And 1,500 stamps seems like a lot of stamps. So what the revised policy would do is, first, it would reduce the number of interim stamps to 500. And then it would place a limitation on who could access those interim stamps. Right now, any senator could get 1,500 stamps. So, I mean, we're in Senator Raybould's district. She could get 1,500 stamps, even though she's probably pretty close to the Capitol. So it would limit the interim stamp availability to those senators who reside more than 50 miles from the Capitol, which is similar to how we handle the per diem process. There's a separate per diem rate if you are within 50 miles or without 50 miles. And then it just replaces the language in the policy that had specific email language that was supposed to get-- be sent out by the Exec Board Chair, with just a general provision for how the, the return process works.

AGUILAR: Senator Bostar.

BOSTAR: Thank you, Chair. I'm generally in favor of reducing this number of stamps. I do not think it makes sense to delineate between 50 miles more or less. That's not-- the per diem separation on, on mileage makes sense. Right? Going home versus not. There's logic to that. Mailing your constituents, that's, that's not determined by how close to the Capitol you are. So I don't support having it be different for your proximity to the Capitol building.

VARGAS: Yeah. I'd make a motion.

BOSTAR: Especially because within the context of emails, like, if you-- anyone can send electronic mail as easy as anyone else. But if you want to physically mail folks in your district, your relationship geographically to the Capitol is irrelevant. So I think this should be changed so that all senators are considered the same.

VARGAS: I would make that motion to make that amendment as well. I 'd need a second to remove the limitations or the language regarding to mileage. My, my main concern is whether or not it is or under or overutilized based on geography. It is, it is dependent on the office. There's some, there's some offices that like to send mail to people and some that, that don't. There should be a standard, and we should

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make sure that we allow people to make that independent choice. And it may differ based off of time of year. It may differ based off of accountability. It may-- but-- like, for example, some people might want to send more mail now because of the special session. Who knows? But delineating it based on miles doesn't make sense to me. I concur with Senator Bostar.

BOSTAR: So I suppose the motion would be to strike--

TREVOR FITZGERALD: I was going to say, Senator Bostar, it looks like we would strike "who resides 50 miles or more from the Capitol."

BOSTAR: Yep.

TREVOR FITZGERALD: And then we would also strike the entire last sentence of that paragraph--

VARGAS: That's my motion.

TREVOR FITZGERALD: --starting with senators who reside 50.

VARGAS: Yep, that's my motion.

BOSTAR: I'm either making it or seconding his. It doesn't really matter.

VARGAS: Yeah. Doesn't really matter. But.

TREVOR FITZGERALD: We have a motion by Senator Vargas and a second by Senator Bostar.

AGUILAR: Any other discussion? Sally.

SALLY SCHULTZ: OK. So the motion is to eliminate 50, eliminate 50 miles. We're going to start with Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Senator Bostar.

BOSTAR: Yes.

SALLY SCHULTZ: Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Motion is carried, 8-0-0-1.

TREVOR FITZGERALD: We need a motion to adopt as amended.

BOSTAR: So moved.

VARGAS: Second.

SALLY SCHULTZ: So the motion is to adopt the stamp policy, as amended.
Starting with Senator Bostar.

BOSTAR: Yes.

SALLY SCHULTZ: Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Motion is carried, 8-0-0-1.

AGUILAR: Ready?

TREVOR FITZGERALD: Yeah.

AGUILAR: Now, proposed changes to the sick leave policy. Trevor?

TREVOR FITZGERALD: Thank you, Senator. And I apologize. I think the packet has a little arrow pointing to where the change is because it could be hard-- easy to miss. So there's language in our current sick leave policy that says that if a employee has sick leave of 10 working days or longer, they have to provide substantiating evidence of that. Usually, it's in the form of a doctor's note. It was brought to our attention that the 10 days tends to be outside of what most other employees, including other state employees, have for triggering that need for evidence. This would change the policy from 10 days to 5 days, which is, I believe, the same as what other state employees-- where they have to provide substantiating evidence.

AGUILAR: Senator Bostar.

BOSTAR: Thank you, Chair. Could you provide any more information about sort of how onerous the evidence requirements are? You mentioned a doctor's note, but-- and you added in more context to what we're asking for, with the-- we're not, we're not changing what's being asked for, but we're, we're-- triggered the request more often.

TREVOR FITZGERALD: We're changing when it's triggered. Yeah, It's triggered more often. Shelley, I don't know if you-- we tend to take people's word at it, I think, when they [INAUDIBLE] a note, but.

SHELLEY REED: Yeah, we do. So, the documentation could just be if you are out with the flu for a week and you've gone to the doctor, that doctor's going to say, yep, you were in my office and you're released

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to go back to work. Just some things, you know, that can document that you really should have been using sick leave for 5 days.

BOSTAR: All right. Thank you.

SHELLEY REED: And I will add that I believe within the state personnel rules, they have 3 days. So our 5 is still pretty lenient.

JACOBSON: I'd move to-- motion-- I'd move to carry this forward to adopt the recommendation.

AGUILAR: Do I have a second?

ARCH: Second.

AGUILAR: I have a motion and a second. Any other discussion? Senator Riepe.

RIEPE: One of the questions that I had, what are the implications of the petition that's being signed for mandatory sick leave? I think that's going to be on the ballot. Does that influence anything [INAUDIBLE]?

TREVOR FITZGERALD: Shouldn't impact us at all because we already have paid sick leave for employees.

RIEPE: OK, but I thought maybe that-- I haven't looked at the petition. I thought maybe it was more specific than what we have.

TREVOR FITZGERALD: I'm fairly confident we are more generous than what the petition would require.

RIEPE: OK.

VARGAS: And exempt us.

AGUILAR: Any other discussion? Sally.

SALLY SCHULTZ: OK. The motion is to change sick leave from 10 days to 5 with a doctor's note. Starting with Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Senator Bostar.

BOSTAR: Yes.

SALLY SCHULTZ: Motion is carried, 8-0-0-1.

AGUILAR: Next is the proposed changes to the legislative space policy.
Brandon.

BRANDON METZLER: Thank you, Mr. Chair, members of the board. Before you, I believe you have the policy itself. Basically, this is the discussion that we were alluding to earlier, with the executive branch. So this past-- earlier, this interim, the executive--

TREVOR FITZGERALD: Brandon, this is actually the room reservation policy.

BRANDON METZLER: Oh, room reservation. Absolutely. We do have the, the other one later, though. Right? OK.

TREVOR FITZGERALD: Yes. That's next.

BRANDON METZLER: Apologies. Yeah. So the room reservation, this is just trying to create some uniformity in terms of how, when rooms are requested and, and staff being present. As you know, there was some-- last session, we had some ongoing, discuss-- greater discussions on, on how rooms are reserved. We are trying to kind of structure how our

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rooms are reserved, why they're reserved, and who is going to be present in those rooms, just making sure that there is some legislative purpose, that the legislative offices that do reserve the rooms have some accountability as to who's in those rooms. So those are primarily the changes you see, is that staff will be present, those sorts of things. Just-- it was a general cleanup. We haven't revisited the space policy in quite some time. So that's our, our room reservation.

AGUILAR: Thank you, Brandon. Any discussion? Do I have a motion?

JACOBSON: So moved.

LOWE: Second.

AGUILAR: Second?

SALLY SCHULTZ: We've got a motion by Senator Jacobs-- Jacobson, a second by Senator Lowe to adopt the new legislative-- or the changes to the legislative space policies. Starting with Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yep.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

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SALLY SCHULTZ: Senator Bostar.

BOSTAR: Yes.

SALLY SCHULTZ: Motion is carried, 8-0-0-1.

AGUILAR: Next is a presentation from the Clerk's Office on the committee office renovation and enhancements. Welcome back, Brandon.

BRANDON METZLER: Picking up where I left off. So as, as was alluded to earlier, there were discussions earlier this interim. The executive branch is-- has started and is getting set to continue to move their staff into the northeast quadrant. At the back of that document, you'll see there's some, some maps as to what the actual proposal is. But we had met with the executive branch and, and apprised legislative leadership of the fact that the executive branch wanted to make some changes to their space, primarily where they house PRO. Having met with, with the legislative leadership, the Legislature itself isn't really burdened by the space. In fact, you know, we can kind of manage bigger, bigger spaces, because a lot of your staff do share wide open spaces. Whereas, you know, the PRO Office and other that the Governor has, they prefer the private, personal offices as they have as you see on the north. I know it's a little small on, on your guys's sheets, but if you look at the top and the top of the northeast on the outside wall, that's primarily their budget division. Those are the type of offices that they prefer for their staff, whereas we can kind of have the-- the Legislature can kind of have the bigger offices with the private offices for senators. So the discussions were had. The, the executive branch was looking at taking those offices on the outside east, which would end up being the 1302 vault through 1312. Those are the senators that are currently in the tower. So their spaces, they were, they were set to move back to these spaces on the east side. What we had discussed more broadly, and I think the better conclusion that the Legislature can come to. We have, as you read through the proposal, we have legal counsels currently in committee offices that are dealing with, you know, private and, and often confidential work. They don't have private offices. The vast majority of committees do. But we do have a select few that do not currently have the space for private offices. The goal under this proposal would be to take those spaces in which we can accommodate senators with a private office for their legal counsel. In addition, it would include the remodeling of those spaces, primarily the Government Committee-- current Government Committee office and the reassignment of the current Urban Affairs Committee. Those would become standard senators' offices. They kind of lend themselves better to 2 big open spaces, one for the senator, one

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for the staff. Whereas what we are proposing, would allow those new spaces, the 1319, 1317, and the suite of 1315 to house a private office for a legal counsel. The final piece of that, during discussions with legislative, legislative leadership, you often have hearings or meetings during the interim, and even sometimes during session in which you need a large space. You've got joint committee meetings. You are almost entirely reserved to room 1113. I know there are sound issues at times with 1113, but it's the only space in which the Legislature can meet realistically and house that many senators at a time. The goal under this proposal would be to take room 1200 and actually turn it into more of a, a, a conference room. You know, get, get it roughly-- we have it sketched out to about 20 to 22 chairs. We would get, you know, the ability to have a web conference so that when outside counsel's hired-- it's really just professionalizing a space for the Legislature to meet that doesn't necessarily have to act as a hearing room, but can certainly act as a meeting room for those times in which you have joint committees or several senators that need the space to meet but don't have a room that really lends itself well to that type of an environment.

AGUILAR: Speaker Arch.

ARCH: I. I really like what you just said. I mean, we, we-- you know, we, we have, we have meetings. And, and, you know, a lot of times what we're stuck with is, is sitting in a hearing room, where we're up front and it just gives a formality like you're looking down, and you just want to have a conversation. We just don't have that, that kind of a facility. So I, I appreciate your consideration of that with 1200.

AGUILAR: Any other discussion? We need a motion on this?

TREVOR FITZGERALD: We don't need a motion necessarily on the presentation, but the one policy change it will be necessary to put this into effect. I thought it's-- actually it is listed. It's appendix A in the presentation, which is an update to the office assignment policy. It would primarily just-- there's some cleanup changes as well as changing the office assignments for the Government Committee, the Transportation Committee, and the Urban Affairs Committee.

BOSTAR: So moved.

AGUILAR: We have a motion. Do we have a second?

JACOBSON: Second.

AGUILAR: Speaker Arch.

ARCH: I, I've just one more question to, to the Clerk. With regards to 1200, what are going to be the rules about use of that room?

BRANDON METZLER: It-- it's serving--

ARCH: That's going to be in-- that will be coveted. That would be my guess, because we just don't have that kind of space right now.

BRANDON METZLER: Yes, absolutely. It's, it's certainly worth broaching. We've got a legislative space policy currently, but that can be discussions with the Exec Board on, on what it takes to reserve that room. I think it most certainly, especially if it's going to be renovated and new, nice. You, you want to keep it with the same requirements as your hearing rooms. No food, no, you know, water, drink, that standard thing. But I don't think you want to turn it into a food room, necessarily. I, I think you'll want to have something greater than a committee. You know, a committee can typically meet in room 2022 or their typical hearing room. I think that you would want to reserve that for, for instances in which you need the use of the technology that's in there. Or alternatively, it's big enough that it doesn't, you know, really lend itself well to your typical meeting space. But again, that's recommendations. Certainly, the Exec Board can make determinations.

TREVOR FITZGERALD: And if it's necessary for us to make further policy changes, we can do that once the-- we're closer to the room being operational.

AGUILAR: I think we've got a motion and a second.

SALLY SCHULTZ: OK. The motion is to change the committee Chair office assignments as outlined in appendix A. I've got a motion by Senator Bostar, a second by Senator Jacobson. I'll start with Senator Bostar.

BOSTAR: Yes.

SALLY SCHULTZ: Senator Jacobson.

JACOBSON: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama, absent. Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch is.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Motion's carried, 8-0-0-1.

TREVOR FITZGERALD: And just so board members are aware, our office is planning to convene a meeting of those senators whose offices are affected by these changes so that they're aware, before we just publicize the policy change to the entire body.

AGUILAR: Thank you, Brandon. Which one are we on?

ARCH: We just finished up 6.

AGUILAR: That's what I thought. Discuss vacancy on Nebraska Political Accountability and Disclosure Commission. Trevor.

TREVOR FITZGERALD: Thank you, Senator Aguilar. And I forgot to bring my email with me, but I can-- so there was an email sent out. Actually, several emails have been sent out earlier this month about we currently have a vacancy on the Accountability and Disclosure Commission. The commission is broke up into 2 different groups. There's one-- basically, half of the commission is appointed by the Governor from lists of names that were recommended by the Legislature. And then the other half of the commission is appointed by the Secretary of State. Within the commission, for the commission as a whole, there's a requirement there has to be a certain balance of political affiliation, as well as residents within each of the 3

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congressional districts. There are currently 3 vacancies occurring at the same time, one that falls to the Legislature. So the list of names that the Legislature has to forward to the Governor, and that 2 vacancies, under the purview of the Secretary of State's office. Under the statutes, the Executive Board is required to submit a list of 5 names to the Governor. From the multiple emails that have been sent out by Senator Aguilar's office, we have only received one name so far. And there's actually an Attorney General's Opinion saying that if we submit a, a list that is fewer than 5 names, that it's considered an invalid list and we have waived our opportunity to send a list of names. So the main reason this item is on the agenda is to encourage the board to assist us in finding eligible candidates. Under normal circumstances when one of these vacancies occurs, there's a restriction that someone has to be of a certain political affiliation or reside in a certain congressional district because multiple vacancies are happening at the same time. I've been advised by the Accountability and Disclosure Commission that we don't necessarily have to worry about that piece, but we do have to ensure that those individuals are not an elected official, not a public employee not involved in a political party, in-- like, as a member of a center committee or, or, or that kind of a party leadership position. And they can't run for office during that. So you're-- you've kind of restricted the group of people that are eligible. But if we don't have 5 names by the end of the month, which is the middle of next week, then we will have waived our opportunity to submit a list of names to the Governor. So-- and I, I would also note, part of the reason why this is happening so quickly and in such a rush is that the Accountability and Disclosure Commission, they-- instead of sending the letter announcing the vacancy to the Executive Board, they sent it to the Speaker's office, but the Speaker's office never got it. So we didn't find out about this until the vacancy actually occurred, last month. So-- but if you have any former senators you want to reach out to or, you know, professionals that aren't particularly, you know, bankers, accountants, that kind of thing-- I will say our office has reached out to a number of individuals who would be likely good candidates, and have been turned down by a number, including 3 former senators have turned us down. So.

ARCH: What about present senators who are term-limited?

TREVOR FITZGERALD: They would have to resign in order to be eligible. Yeah. I had-- one senator reached out to me and, and tried to volunteer.

ARCH: Wait till, wait till January? Yeah.

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TREVOR FITZGERALD: Yeah. And the vacancy, the vacancy actually occurred on June 30. And so, the vacancy exists now. They-- that appointment would take effect effectively immediately, once-- and how that process works is we send the list of 5 names to the Governor. The Governor has the chance to interview those candidates, and then they would appoint 1 of those 5 names. And then we would have a confirmation hearing on that individual.

LOWE: Would this be a way that I could get out of special session?

VARGAS: I mean--

TREVOR FITZGERALD: No comment, Senator.

BOSTAR: Wait till you get to meet John Lowe.

VARGAS: [INAUDIBLE].

TREVOR FITZGERALD: But I, I expect our office will probably send out another email. But we wanted the board to be aware that this was a particularly pressing and time-consuming issue. So if you've got any old friends from college that you think would be a good fit--

AGUILAR: Senator Vargas.

VARGAS: Is he-- in what-- let me see. Is the Governor required to pull from a list that we recommend?

TREVOR FITZGERALD: The Governor is required to appoint 1 of the 5 names that we send. And as of right now, that list of 5 names has 1 name on it.

VARGAS: Who's the name?

TREVOR FITZGERALD: I don't remember-- is that Senator John Cavanaugh recommended, I think, a former law school classmate who's an attorney in Omaha. So. The current-- so the current position that we are filling, because there is the balance-- the, the balance of political affiliation of congressional districts. So the vacancy we are technically filling was formerly a registered Democrat from the 3rd Congressional District. But because multiple vacancies are occurring at the same time, we're not tied to the same congressional district or the same political affiliation.

VARGAS: If we send--

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TREVOR FITZGERALD: My, my, my understanding is how this generally works is that the, the Governor kind of appoints whoever he wants from, from the list that we send them, and then the Secretary of State's Office will figure out that balance.

JACOBSON: How often do they meet?

TREVOR FITZGERALD: 7 to 9 times a year. They are not-- they don't have a salary, but they re-- receive expenses and per diem.

VARGAS: Is-- if we identify 10 people, would we then vote on who we send?

TREVOR FITZGERALD: I believe the statute says we can send a list of at least 5. I would love it if we had more than 5, but I question whether we can do that.

VARGAS: Oh, that's interesting.

TREVOR FITZGERALD: I'll double check the statute.

AGUILAR: Anything else? Motion to adjourn.

JACOBSON: So moved.