

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2023

**ARCH:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eleventh day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Senator Blood. Please rise.

**BLOOD:** Please join me in prayer and reflection. In the book of Matthew, Jesus tells us we must have mercy for others and that you can't love God if you don't love your neighbors. With this knowledge, help us remember that we must help others without judgment. Remind us that lifting others up isn't about being thanked, but knowing in our hearts that when we help them succeed, it is really our own success, as well. And we receive grace when we realize that the size of the pie we share is not finite. The pie keeps growing as we encourage and help others. And that realization, that mindset allows us to live for something greater than ourselves. I also ask my friends today to join me in prayer for the family of Brian Blood [PHONETIC], who we lost yesterday, and for all the families in Nebraska who are dealing with loved ones and cancer right now. With that, I thank you, God, for our day. In the name of the Father and the Son and the Holy Spirit. Amen.

**ARCH:** I recognize Senator DeKay for the Pledge of Allegiance.

**DeKAY:** I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**ARCH:** Thank you. I call to order the eleventh day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call.

**DORN:** Mr. Clerk, please record.

**CLERK:** There's a quorum present, Mr. President.

**DORN:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

**CLERK:** There are no corrections this morning.

**DORN:** Thank you. Are there any messages, reports or announcements?

**CLERK:** There are, Mr. President. Reference report from the Referencing Committee, referring legislative bills, LB465 through LB627. Additionally, notice of committee hearing from the Health and Human Services Committee. That's all I have at this time, Mr. President.

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**DORN:** Thank you, Mr. Clerk. At this time, we will have Senator Moser for an announcement.

**MOSER:** Thank you, Mr. President. With sadness, I report the passing of First Lady Suzanne Pillen's mother, Donna Shreve, in Columbus. Services are Monday in Columbus. I hope you all join me in offering condolences and prayers for the Pillen and Shreve families. Thank you.

**DORN:** Thank you, Senator Moser. We will now proceed to the first item on the agenda. Mr. Clerk.

**CLERK:** Thank you, Mr. President. Motion is to adopt permanent rules. The first rule change proposed by the Rules Committee amends section-- excuse me, Rule 1, Section 19.

**DORN:** Senator Erdman, you're recognized to open for the rule changes.

**ERDMAN:** Thank you, Mr. President, and good morning. I, for one, am glad they missed the forecast on the snow. So thank you for all coming. We're now at the point you've all been waiting for, the discussion of the rules. But before I begin my presentation of what we're going to try to have you consider for changes, I want to, I want to talk a little bit about the Rules Committee and about the Rules Committee commitment to sit in a hearing for nearly nine hours and listening to the rules. I believe that the Rule Committee treated every introducer, every testifier with respect. I hope that was the case. That was our intent. A lot of those rules had a lot of thought and input before they submitted them and I believe they all deserve to be heard and we did that. So thank you to all the Rules Committee people who sat there for nine hours, those who came and testified that stayed nine hours and for their input and their concern. So moving to rule change one, as the President announced, as the Speaker-- the Clerk announced it's Rule 1, Section 19. And this rule amendment was submitted by Speaker Arch. And I'll bring your attention-- let me just read the part that we're going to change and we'll move, we'll move on from there. And I, I would yield some time, if I have time left, to Senator Arch to speak to this amendment, as well. Here's what it says: the following amendments, which are approximately 10 pages or more-- and this is the new language-- or such amendments which contain tables, charts, graphics or other components which are incompatible with Journal software, shall be noted in the daily Journal as on file in the Bill Room or in the Clerk's Office. That is the rule change that we'd like to have adopted. And I might just say we received hundreds of emails on the rules as well as we received a lot of rules electronically. But because of the way our system was set up, we

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received those rules in Google Docs and we went to cut and paste those into Word document that we could adjust or, or make amendments to. The changes didn't come over. So it's a difficult process when our technology doesn't come-- doesn't-- is not compatible with the way we receive rules and changes to the rules. And so I think that's exactly what Senator Arch is trying to do here and I will yield my time to Senator Arch to explain his rule change. Thank you.

**DORN:** Thank you, Senator Erdman. Senator, Senator Arch, you're yielded 7:15.

**ARCH:** Thank you, Mr. President. So this first proposed rule change, as Senator Erdman says, amends Rule 1, Section 19. It's technical in nature. And I was asked by the Clerk, Brandon Metzler, to introduce it on his behalf. So currently, our rules state that all amendments that are 10 pages or less are printed in their entirety in the daily Journal. For amendments longer than 10 pages, our current rules state that the introduction of the amendment will be noted in the daily Journal with the information that the amendment will be on file in the Bill Room or the Clerk's Office. While software, which the Clerk's Office uses to prepare and print the Journal, struggles to properly format bills and amendments containing tables when they are pulled into the Journal. For example, many of the tax statutes include tables of rates and tables that can be found in many criminal penalty statutes, as well. This proposal would require the Clerk to continue to print in the daily Journal amendments that are 10 pages or less if they do not include any tables. For amendments over 10 pages or amendments of any size that include a table, and with the revision that was added after our hearing-- it also includes charts, graphics or other components, so pictures and, and that type of thing is also incompatible. So that was added. If-- for those over 10 pages or amendments of any size that include a table or graphics and so forth, the Clerk will note in the daily Journal the introduction of the amendment, with the information that the amendment will be on file in the Bill Room or the Clerk's Office. By adopting this rule change, it will provide that our rules reflect the current practice, given the software currently in use. Thank you, Mr. President.

**DORN:** Thank you, Senator Arch. Is there any discussion on the rules change? Seeing none, Senator Erdman, you are recognized to close on the proposed rule change. Senator Erdman waives. Question before the, before the body is the adoption of the amendment for Rule 1, Section 19. All those in favor vote aye; all those opposed vote nay. Have all of you voted that care to? Record, Mr. Clerk.

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**CLERK:** 42 ayes, 0 nays, on the adoption of the amendment to Rule 1, Section 19.

**DORN:** The amendment is adopted. Now to Senator Erdman for a rule change-- proposed rule change number 2. Excuse me, to the Clerk first.

**CLERK:** Mr. President, the next rule change proposed from the Rules Committee amends Rule 5, Section 5.

**DORN:** Now to Senator Erdman, for your introduction.

**ERDMAN:** Thank you, Mr. President. I appreciate that last vote. Thank you very much for doing that. I would like to make a couple other comments before I move on to Senator John Cavanaugh's rule amendment. As we had an Executive Session and discussed these bills, these rule changes that you see in front of you today, we also discussed several others. We may have not brought your rule change to the floor. That doesn't mean it wasn't important. The goal that I believe that we have before us is to get permanent rules adopted and move on with what needs to be done this session. And so, we brought these rules because we think they're the ones that will be most readily accepted. And if your rule wasn't considered, that doesn't mean it wasn't important. We just didn't have a discussion on it or we may have overlooked it. We had 58 rule changes. I believe that to be more than double of any other year of rule changes, at least since I've been here for sure. So the next rule is Rule 5, Section 5, and it talks about the designation of priority motions. And this rule amendment was brought to us by Senator John Cavanaugh. And what he was-- what he wants to do-- and the committee voted 5-0 to support this rule change: the designation deadline shall be between the 40th legislative day and the 45th legislative day in the 90-day session, and between the 25th legislative day and the 30th legislative day in the 60-day session. I believe what Senator Cavanaugh will explain to you why he has suggested we do that and I would yield time to Senator John Cavanaugh.

**DORN:** Thank you, Senator Erdman. Senator John Cavanaugh, you're yielded 8:06.

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Chairman Erdman. And I, I just want to say I appreciate the work that the Rules Committee did. I proposed a few rules and watched them be very patient over a period of I think he said nine hours to hear out many suggestions. So I appreciate that work, their diligence and patience with all of us. So this rule proposal, as Senator Erdman said, has to do with the priority bill designation. So currently, the rules say the

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priority bills-- you can designate a priority bill any time up until the deadline. And then it allows the Speaker of the-- that session to name any day before the 45th day as the priority bill design-- deadline in the 90-day session and any day prior to the 30th day in the 60-day session. And so I just made a proposal to put a front end limit on that. And the proposal was a 40-day-- the 40th day and the 25th day. So what that means is the Speaker can still designate the deadline somewhere between the 40th and the 45th day, but it just gives us, the members of the Legislature, a little clarity about exactly when that window would be. Because without that limit, as the rules are written today, the Speaker could have said today was the deadline where no bills have been heard. We just finished introducing bills. And so this just makes sure that we have a clear date by which the Speaker will set the designated priority deadline, gives us some more certainty and I think we all appreciate certainty when making our plans about how we're going to address our priority bills. And so, I'd ask for your yes vote on that rule. Thank you.

**DORN:** Thank you, Senator John Cavanaugh. Senator Arch, you are recognized.

**ARCH:** Thank you, Mr. President. I just wanted to let people know that I do support this. I've had conversations with staff in the Speaker's office. Normally, we, we have a date of around the 43rd day, so between the 40th and 45th and in the second session we have around the 28th. The timing is to make sure that we understand where people's personal priorities are, so that then if Speaker priorities, we don't, we don't overlap on those. I think Senator John Cavanaugh has, has pointed out something that while currently it's not an issue, it could be an issue in the future, where you could have a Speaker that would say, well, let's, let's get those early in the session and people are picking-- are being, are being asked to pick priority bills that haven't even come out of committee yet and they don't know and so they're burning their priority on that. So I think this was, I think this was a very good proposal by Senator John Cavanaugh to, to let's just, let's just say between these days and so I, I support this. Thank you.

**DORN:** Thank you, Senator Arch. Senator Geist, you are recognized. Senator Geist waives. Is there any more discussion on Rule 5, Section 5? Senator Erdman, you are recognized to close. Senator Erdman waives. The question before the body is the adoption of proposed rule change for Rule 5, Section 5, scheduling of bills. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Mr. Clerk, please record.

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**CLERK:** 47 ayes, 0 nays on the adoption to amend Rule 5, Section 5.

**DORN:** Rule 5, Section 5 has been adopted. Mr. Clerk, for the next rule change.

**CLERK:** Mr. President, the next proposed rule change would also amend Rule 5, Section 5.

**DORN:** Senator Erdman, you're recognized to open.

**ERDMAN:** Thank you, Mr. President. By the way, I appreciate you being in the chair. I can hear you very well.

**DORN:** Thank you.

**ERDMAN:** OK. Rule 5, Section 5, again, was-- the change was presented to us by Senator John Cavanaugh, and it deals with the Speaker, with the Speaker, designated Speaker priority bills and the additional language that will be added under Section-- Rule 5, Section 5(f) is the Speaker may declare, declare up to 25 additional priority bills. And the new language, the principal introducer may decline the designation as a Speaker priority bill and the Speaker shall not withdraw the designation once it's made. Senator Cavanaugh came in and explained his position on this rule and I will yield time to him after I make these comments. When I was having a town hall meeting in Potter, I had made a presentation and perhaps it was a little long. There was a rancher sitting by the door as I was leaving, and he said, sonny, I want to tell you something. He said, when I go out to feed the cows, if they don't all come up, I don't feed them the whole bale. So I took that in, in, in consideration. And brevity is the-- is great. So that's what I'm going to do here. Senator Cavanaugh, I'll yield my time to you.

**DORN:** Thank you, Senator Erdman. Senator John Cavanaugh, you're yielded 8:30.

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Chairman Erdman. Again, I'll try to be brief, as well. This one is another kind of cleanup that I proposed. Basically, if a committee prioritizes a bill under the current rules, that priority cannot be removed without the consent of the introducer of the bill. So if you agree to accept a committee priority, then the committee wants to withdraw that priority, they can't do it without your consent. Under the current rules, if you get a Speaker priority, the Speaker could withdraw that priority without your consent. And I thought that was a flaw in the rules because some people could choose not to use their own personal

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priority on a bill because they've got a Speaker priority and would have relied to their detriment upon that Speaker priority. And so this basically is just changing the rule to make the Speaker priority designation consistent with personal priority designations and committee priority designations. So that if you do-- if the Speaker does choose to prioritize your bill, they can't remove it without your consent. Again, as Speaker Arch said, this is not an issue with this particular Speaker. This was just a rule that it's good to have solid rules that are to be consistently applied across the body going into the future. So I saw this. I thought this might be a concern at some point in the future and we just want to make sure we're addressing issues before they come up. So that's why I proposed this rule. Not directed at Speaker Arch, it's just a, a strengthening of the rule to make sure that the rules about priorities are consistent across all priority designations. So I'd ask for your green vote on this rule change. Thank you.

**DORN:** Thank you, Senator John Cavanaugh. Senator Arch, you are recognized next.

**ARCH:** Thank you, Mr. President. I do support this. I think that, again, Senator John Cavanaugh has identified something that could run off the rails in the future, doesn't currently. And I think that it's courtesy. I think that it is a-- it's proper, that if you're going to, if you're going to change designations of priorities, that you need to have concurrence. And so, again, this is something not a-- I mean, current practice is concurrence is always there, but we're-- with term limits and people changing and all that, let's, let's get this into the rules so that it doesn't happen in the future without concurrence. So I do support this rule change. Thank you, Mr. President.

**DORN:** Thank you, Senator Arch. Is there any more discussion? Senator Erdman, you're welcome to close. Senator Erdman waives. Question before the body is adoption of proposed rule change, Rule 5, Section 5, scheduling of bills, priority bills. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Mr. Clerk, please record.

**CLERK:** 46 ayes, 0 nays, on the adoption of the amendment to Rule 5, Section 5.

**DORN:** Amendment-- proposed rule change number 3, Rule 5, Section 5, scheduling of bills, priority bills has been adopted. Mr. Clerk, for more proposed rule changes.

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**CLERK:** Mr. President, the next proposed rule change, proposed rule change number 4 would amend Rule 3, Section 1.

**DORN:** Senator Erdman, you're welcome to open.

**ERDMAN:** Thank you, Mr. President. I appreciate that. So Rule 3, Section 1, if you have not had an opportunity to review Appendix A, which is the model rule committee rules, it's a 10-page document and you can get that at the Clerk's Office. I've done that several times because I misplaced my first copy. So my intent with this rule change is not to include this in the rules for several reasons. One reason, it would add 10 pages to the rule book. But secondly, and more importantly than that, if we include it in the rule book, it may be considered a rule. It is not a rule. It is a suggestion on how to run your committee and if you've not reviewed the model rule Appendix A, I would recommend that you do that. And so visiting with the Clerk, I asked him what is the best way to make this available to anyone wanting to review that and making a link that you can click on and get a copy electronically wherever you may be, seemed to be the answer to what we needed to do. So rather than print it in the Rule Book and have it be considered a rule, we will have an opportunity to click onto the website and have a view of Appendix A without having to walk to the Clerk's Office to get a copy. That's basically what this rule change does. Thank you.

**DORN:** Thank you, Senator Erdman. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. Would Senator Erdman yield to a question?

**DORN:** Senator Erdman, would you yield?

**ERDMAN:** Yes, I will.

**CLEMENTS:** Thank you, Senator Erdman. This-- I really appreciate having availability digitally of the committee rules, but have, have you heard from the Clerk when that will be implemented or is it implemented now?

**ERDMAN:** I don't know that it-- Senator Clements, I don't know that it's implemented now because we have not passed the rule. So when we vote green on this amendment, I believe the Clerk will do whatever he can to make it available as soon as possible. But I can't speak for him, but maybe that's a suggestion.



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**CLEMENTS:** All right. Thank you. I support this rule change and appreciate having more availability because I have had to go to the Clerk's Office and request this, regarding the proposed model committee rules. And so I thank you for bringing this. And thank you, Mr. President.

**DORN:** Thank you, Senator Erdman, Senator Clements. Senator Arch, you are next in the queue.

**ARCH:** Thank you, Mr. President. Just briefly, when we met earlier this session with new committee Chairs, we talked about this model committee rule. I, I, I think this is a great idea to get it so that there's some link and they can find it digitally versus printing it into the rules because it's really not-- it's, it's not a required-- it is a model. It is available to committee Chairs to go out, take a look at and it is a-- there was a-- previously, senators worked on this model and, and it wasn't adopted into rules but it is a resource for committee Chairs to use on how to structure their committee. And, and having that available to, to the committee Chairs, I think, especially new committee Chairs, would be very useful. So yes, I definitely support this. Thank you.

**DORN:** Thank you, Senator Arch. Is there any more discussion? Senator Erdman, you're welcome to close. Senator Erdman waives. Question before the body is the adoption of proposed rule change number 4; Rule 3, Section 1; committees in general. All those in favor vote aye; all those opposed vote nay. Have you all voted that wish to? Record, Mr. Clerk.

**CLERK:** 47 ayes, 0 nays, Mr. President, on the adoption of the amendment to Rule 3, Section 1.

**DORN:** Rule-- proposed rule change number 4; Rule 3, Section 1; committees in general has been adopted. Mr. Clerk, for more proposed rule changes.

**CLERK:** Mr. President, the next proposed rule change from the committee, proposed rule change number 5, amending Rule 3, Section 4.

**DORN:** Senator Erdman, you're welcome to open.

**ERDMAN:** Thank you, Mr. President. This rule amendment was presented to us by Senator Hunt. I may make this comment. Senator Hunt delivered several rule changes. I think one of the rule changes that she submitted that was quite lengthy that I think would be better as a bill and she believed-- I mean, she-- I believe she understands that,

was her rule change dealing with, with redistricting. And so-- and I appreciate that she brought that to our attention. And, and I think that's probably the best proposal for that rule change is to do it with a bill. But Senator Hunt had several that she presented. This is the one that we're bringing forward. And it just clarifies for us the cell phone usage or other devices that emit a sound in the Chamber; what we shall do with those. So she's striking what was in subsection (f), the use of mobile, portable and wireless communication devices that emits an audible sound, signal or other, other, other than authorized by the Legislative Council or used by a licensed medical person on dail-- on duty is prohibited by the Chamber while the legislative [SIC] in session. So what we're adding is the following: any mobile or wireless communication device shall be silenced prior to entering the legislative Chamber so as to prevent any emitting an out loud, an audible sound or signal. The Clerk shall designate-- am I in the wrong rule? Sorry. OK. I had that one behind that. Sorry about that. So thanks for not, not alerting me. OK. We'll go to, we'll go to section 3-- Rule 3, Section 4. This was brought to us by Senator Conrad. OK. So let me start over. This has to do with notification of rules-- the rule hearing at least three days before we have a hearing. And I, I, I believe this is a significant event because I had received numerous requests for the rule changes that were going to be at the hearing. And I had several people tell me that the period of time that we notified them wasn't sufficient. And so, forgive me for that last reading the wrong rule, but that's what Senator Conrad brought to us. I think it's important that we do that. We had people travel some distance to testify, and giving them a short notice sometimes doesn't allow them to arrange their work schedule or their travel schedule to get there. So that's basically what it does. I would yield time to Senator Conrad if she would like it.

**DORN:** Thank you, Senator Erdman. Senator Conrad, you're yielded 7:00.

**CONRAD:** OK. Thank you so much, Mr. President. And thank you to Senator Erdman for the time. I can probably get it wrapped up this morning, colleagues, in the, the seven minutes without having to utilize the queue. But initially as kind of a global note, I mentioned it in the Rules Committee hearing and want to reaffirm it on the floor here this morning, what a healthy and positive sign for our democracy in Nebraska to have such a robust set of proposals about how we organize our work together before the Rules Committee and to literally have, I think I saw one headline, a hundred Nebraskans show up to weigh in from all across the state and all across the political spectrum on issues that were important to them in how we conduct our business. I think it was an incredible learning opportunity. I think that there

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were a host of really interesting and important ideas brought forward by senators and by our citizenry. And I think that's really healthy and really cool that there's so much interest, in terms of protecting and defending Nebraska's unique nonpartisan Unicameral Legislature. I also want to give Senator Erdman well-deserved credit for trying to organize a lot of chaos with a big set of proposals, a packed hearing room and a very compressed timetable. So, again, as George Norris reminded us, our citizens and our constituents do not expect perfection, but they do expect us to do our best under the circumstances and I think Senator Erdman reflected that in his leadership of the committee. I appreciate that one of my rule changes was brought forward. As I mentioned in the committee hearing, there's many aspects of our rules that delineate a clear amount of expectation and processes to help guide our work. One area, if you look at the rule-- the existing Rules Committee proposal or rules itself under our temporary rules, it's really like a two-sentence rule regarding the Rules Committee itself. So I think everybody agreed that we could find some common ground, some consensus on providing a little bit more uniformity and a little bit more clarity for members of the Rules Committee, members of this body and members of the public to continue to engage in that process in a thoughtful way. Of course, you know that we have in place rules regarding legislative bills, substantive bills that come before the body. And one of the hallmarks, one of the key aspects of transparency and effectiveness of this Unicameral Legislature, as we know, is every bill that's introduced has a hearing, there's notice, there's an opportunity to be heard. Notice and opportunity to be heard are the hallmarks of due process and engagement in a democracy. So by translating those principles, those values, those procedures into a little bit more "meat on the bones", so to speak, for how we conduct the Rules Committee and, and draw some parallels for how we conduct our business otherwise, in regards to legislative bills, was the impetus for the rules change. And I appreciate Senator Erdman and the Rules Committee for adopting that in the package and presenting it today. I'm happy to answer any questions. And thank you, Mr. President.

**DORN:** Thank you, Senator Erdman and Senator Conrad. Is there any more discussion? Seeing none. Senator Erdman, you're allowed to close. Senator Erdman waives. The question before the body is the adoption of proposed rule change number 5; Rule 3, Section 4; select committees. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Mr. Clerk, please record.

**CLERK:** 47 ayes, 0 nays on the adoption of the amendment to Rule 3, Section 4.

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**DORN:** Proposed rule number 5; Rule 3, Section 4; select committees, has been adopted. Mr. Clerk, for more proposed rule changes.

**CLERK:** Mr. President, the next proposed rule change from the committee, proposed rule change number 6, would amend Rule 2, Section 3.

**DORN:** Senator Erdman, you're welcome to open on proposed rule change number 6.

**ERDMAN:** Thank you, Mr. President. Senator Conrad, I appreciate you announcing that perfection was not expected or is not something you can, you can attain, because as I did in the last opening, refer to the wrong bill. So now we'll get back to Senator Hunt's proposal. And I'll reiterate what I said earlier about redistricting and I appreciate what she brought here. Just to clarify what it is we do so it states in the rules clearly as to what is expected. And so that is rule change-- rule-- Rule 2, Section 3, and she's going to strike (k) and replace it with a new subsection (k). And I would yield time to Senator Hunt to speak to this if she wishes.

**DORN:** Thank you, Senator Erdman. Senator Hunt, you're yielded 9:07.

**HUNT:** Thank you, Mr. President. And thank you, Senator Erdman. I also want to commend Senator Erdman for how he conducted the rules hearing. It was a long hearing and I know I played no small part in the length of the hearing, But, you know, he, he took the process very seriously. He made sure that every testifier could be heard. He was respectful to testifiers and to the introducers. And I appreciate how smoothly the process went with his leadership. This proposed rule change strikes a section of rules for us in the Chamber, that we currently break all the time. Rule 2, Section 3, currently prohibits the use of any mobile device that can make a sound. I didn't do a deep dive into the history of this rule, but the Clerk, Brandon Metzler, talked about how it kind of started when people began to have beepers in the nineties and their beepers would be going off in hearings and things like that. And so they passed a rule saying you can't have these noise-making things and that makes total sense. But obviously, technology has changed a little bit and we no longer need to have that rule. Our phones and our computers and all of the devices that we use are part of the way we conduct business. We don't obviously use the big books of statutes and and, rule changes and, and bill proposals and amendments anymore that we used to see on Senator Chambers' desk when he worked here. Because he, of course, didn't use technology, but the rest of us do. And so it's time for us to change our rules to adopt the, the modern world

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that we live in. And I would just ask for your green vote. Thank you very much.

**DORN:** Thank you, Senator Hunt. Is there any more discussion? Seeing none, Senator Erdman, you're welcome to close. Senator Erdman waives. The question before the body is the adoption of proposed rule numb-- change number 6; Rule 2, Section 3; Chambers, guests, distribution of material. All in favor vote aye; all opposed vote nay. Have all of you voted that care to? Mr. Clerk, record.

**CLERK:** 47 ayes, 0 nays on the adoption of the amendment to Rule 2, Section 3.

**DORN:** The proposed change number 6, Rule 2, Section 3 has been adopted. Mr. Clerk, for more proposed rule changes.

**CLERK:** Mr. President, the next proposed rule change from the Rules Committee, proposed rule change number 7 would amend Rule 6, Section 3.

**DORN:** Senator Erdman, you're welcome to open.

**ERDMAN:** Thank you, Mr. President. Rule 6, Section 3: that amendment was presented by Senator Ibach. And her original intent was to strike subsection (f). This rule change probably received more discussion in the committee than the others and for good reason. This is something that needs to be addressed. I have, I have used this rule once. Never, ever will I use it again. This body and what we do here is built on relationships. And the one time that I did the IPP motion before a bill was read across, it took a long time to restore the relationship I had with that senator. This bill, this rule change, I think, is in order to continue the relationships that we have built rather than divide us. And so I, I appreciated Senator Ibach bringing this. My intention or my preference in the committee, and I told them this was that we do or bring forward exactly what she presented, striking section (f). If we would strike section (f) that would make IPP before a bill is read across inappropriate or out of order. Many people have worked long and hard on their bill before they got it to the floor. When it comes to the floor, I think it's inappropriate that someone, one person, can stand in the way of them making an opening or giving the introduction to their bill. So I think this is part of being collegial, getting along and having respect for one another. So after I said that, let me say the amendment-- tell you the amendment we're bringing forward and this rule was voted out of committee 4-1. And basically, what this amendment will do-- IPP will still be in order.

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You can still place that before a bill is read across. The introducer of the bill will get the 10 minutes to open on their bill and then the introducer of the IPP motion will then be given 10 minutes to present their motion. There is somewhat of an issue with doing it that way and this is the reason-- and I think Senator Hansen is going to speak to this. Oftentimes, when a bill comes to the floor, it has a committee amendment.. And I've seen it several times where the amendment becomes the bill. And if you allow an IPP motion to be placed in the, in the record or on file before you hear the amendment, you never get a chance to talk about the amendment, which is the bill. And so that's why I supported (f) being stricken completely. I think, as Senator Ibach said in the hearing, something is better than nothing. And so, we brought this rule change to you for your consideration. And I would ask you to adopt this rule change as it is revised, as we're presenting it today. Thank you.

**DORN:** Thank you, Senator Erdman. Senator Arch, you are recognized.

**ARCH:** Thank you, Mr. President. I also support the revision as, as presented. And I just wanted to, I just wanted to make sure that people understand that this is not-- this, this is just when, not, not if, so when the IPP motion can be debated. And it's simply after giving that introducer the courtesy of having the bill read and, and the introducer of the bill have an opportunity to open and then go to the IPP. So it's not-- it doesn't-- it's not if, it's, it's when. And I, and I, and I do, I do support this. Because I think it is an issue of fairness, it's an, it's an issue of courtesy and then the IPP motion can be debated. So, thank you.

**DORN:** Thank you, Senator Arch. Mr. Clerk, for a motion.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to recommit proposed rule change number 7.

**DORN:** Senator Machaela Cavanaugh, you are allowed to open.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I stand in opposition to this rule change. And let me tell you a little bit about how it currently works and how this would change things. So currently, if you put an IPP motion on a bill before it is read across, your IPP motion is up first. And you've heard people talk about this. That means that the introducer does not get to speak first, but the person with the IPP motion gets to speak first. This rule would change it, as Speaker Arch said, the, the speaking order. And to Senator Erdman's point about relationships, this building is

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about relationships and about being collegial and respectful to one another, which is why I put this motion up before this rule came up. But then I went up to the Clerk and I asked that he hold my motion until the Speaker was able to speak. Because I looked at the queue and I knew that Speaker Arch had been speaking on every single rule. And I thought it was important to keep that cadence up and to give the Speaker that respect before putting my motion to recommit to committee up. And there's a million little things we all can do to be respectful to one another. An IPP motion is a very serious thing to put up. And until yesterday, I had never used an IPP motion in my four years. I-- full disclosure, accidentally put it on the wrong bill yesterday. Sorry, Senator Bostar-- filed a new IPP motion this morning. Clearly, I'm not great at doing IPP motions. And I put in this IPP motion because it is a bill that I have fought for four years. I have filibustered for four years. It has never passed because I have dedicated so much time in opposing this bill that I put an IPP motion up, that I was like, If this is what we're going to do, then this is what we're going to do. And I'm going to put an IPP motion up because this is a waste of the body's time. And if you put in a bill that has that sort of vitriol around it, then you should expect pushback from your colleagues. You should anticipate pushback from your colleagues. And if you take this away from your colleagues, there is going to come a point-- like I said, four years, I've never used this motion. But today, there was a point that something came up that I felt it was important to put an IPP motion on. And the reason that the speaking order is important is because it sets the tone for the discussion of the bill. You don't put an IPP motion up to be collegial and you don't put an IPP motion up to be kind. You put an IPP motion up because you fundamentally do not believe that that piece of legislation should even have a discussion on the floor. You believe that it shouldn't have even come out of committee. It is a very serious thing and should not be taken lightly. But because it is a very serious thing, we are undermining this tool in the tool kit for 49 of us if we take away the speaking order. If we take away the ability of a person to talk first about why they've even put this motion up, we are taking away a very serious tool in our tool kit and I fundamentally disagree with changing that. I think it is a very, very serious thing to do, even though-- I know it's silly. I accidentally did it to the wrong bill and I really feel like a jerk, to be honest about that. But, but I've explained it to Senator Bostar. And I plan on withdrawing my IPP motion on his bill, because I didn't even know what his bill was. I wrote down the wrong bill number. Let that be a lesson to all of us, I guess. Mostly, just a lesson to me. But-- so again, I have this motion to recommit to committee. If you vote for my motion, what it will do

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is literally take this amendment, this rule change, off of the rules discussion today. It will go back to committee and they can decide to kick it out again or not kick it out again and we can have this discussion again. But I would encourage everyone in the body to really think about this. Every change that we've made to our rules today were, were really hard for me to actually support, even the ones that came from my brother, because I think that any rule change we take-- we make should be a very thoughtful process. And I really diligently looked over all of these rule changes and I listened to nine hours of committee hearing and this one I just do not feel is appropriate. So I just would encourage everyone to vote green for my motion to recommit or vote red on the rule. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Hansen, you are next in the queue and recognized.

**HANSEN:** Thank you, Mr. President. I'm going to expound a little bit on what Senator Erdman said. And I'm not talking about, maybe, just from a strictly procedural standpoint. The reason I voted no on this is because, in my opinion, I think it's only right that an IPP motion goes after a committee amendment. Right now as it stands and with this, if this is adopted, the introducer of the bill gets a chance to talk and then whoever drops an IPP motion then gets to filibuster for eight hours and nothing else happens after that. And so, in my opinion, I always thought the whole point of a committee was you hear a bill, you discuss it in committee, you discuss it with other senators, it gives the introducer a chance to kind of discuss it with other senators and make a good bill better. Right. And so, I always thought that was the whole point of a committee. The committee can get together, discuss the bill, they can introduce a committee amendment that's agreeable to both the introducer, to the committee. It gets on the floor and that makes the bill better. That gets more people on board. And then we can have, you know, good debate on the floor. And so the way it is now, if you want to filibuster, you put an IPP motion on and it goes right after the introducer and then you never hear the committee amendment. I think, just strictly from a procedural standpoint, I think that's wrong. I think you should-- the-- you should at least give the introducer a chance to talk on the floor about their bill. And you should at least give the committee a chance or the, the body to vote on a committee amendment. I think that-- and I think, I think all of us should agree on that. I don't care where we're at on the aisle. Picture-- you have, you have a bill that you're very passionate about. It could even be your priority bill. And you introduce it, you're at-- and you know it's gonna get filibustered. And you're at like 32 votes, 31 votes. It gets in committee, you get a



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chance to discuss it, you get a chance to work with other senators. And you have to tweak it a little bit and you get a couple other senators on board. It's more agreeable to the body. It's more agreeable to the citizens of Nebraska. And somebody IPP's it and then you don't even hear the committee amendment and the, and the bill dies, because you couldn't get those other votes or because you couldn't make the bill better. So that was one of my main arguments about why I did not vote for this rule change. And I think Senator Cavanaugh is right. IPP is a serious motion, at least it used to be until we IPP every bill now. And I don't think it's as serious as, as it is anymore. I think, you know, it's strictly just used for a tool which, you know, we've all done it. I haven't, but I think a lot of people-- you know, there's a reason why some senators want to do it. It makes sense. I'm not going to argue that. And so, what I wanted is the introducer gets a chance to talk. The committee amendment gets on and then IPP takes precedence right after that, in front of everything. So at least you get a chance for the committee to have a voice. I don't care if it's HHS or Judiciary or Ag. You know, I think just from a procedural standpoint, I think that's better and that's why I did not vote for this. So we'll just see how this goes and I'll yield the rest of my time back to the Chair. Thank you.

**DORN:** Thank you, Senator Hansen. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. From what I can tell in this rules package, I think that this is probably the only potentially controversial rule change that was voted out of committee by the Rules Committee. I'll correct something that Senator Ben Hansen said, which is the way the kill motion or this IPP motion-- it's a motion to indefinitely postpone a bill before the bill is read on General File. So how that works is this motion to indefinitely postpone the bill before it's read on General File, the introducer of that motion gets to open on the motion before the introducer of the bill gets to speak on the bill. So first, the person who made the motion speaks for 10 minutes, opening on that motion. And then after that, the principal introducer of the bill has an opportunity to take five minutes to respond. So what it really does in practice and some of you in this body know this because I've done this to your bills in the past, is the, the person making the motion can speak first, talk about how awful your bill is and why it needs to fail. And then the introducer of the bill, instead of having a ten-minute introduction as they would typically get, where we then move to committee amendments and things like that, then they only get five minutes. And we're speaking on the motion to kill, not the actual substance of the bill. Colleagues, I love this motion. I love it. I love it. I love it. I use it all the

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time and I'll tell you why. Senator Ben Cav--Ben Cavanaugh, sorry-- Ben Hansen said that it seems like everything's getting an IPP motion now, that it used to be a serious motion but now it's being abused all the time and everybody's using it. Well, look around. Look how the body has changed. Look how much more-- you know, partisan isn't even the word, because I agree when Senator Erdman says that we are partisan. Yes, we're partisan people. We're all ideological. It's not necessarily binary, right? It's not that, you know, I'm such a great Democrat and Senator Ballard is such a great Republican. It's that we disagree and agree on different issues and it's really kind of an issues-based difference than a party difference, necessarily. But we're all definitely ideological with our own views about things. But I wouldn't even use the word partisan to describe what's going on in this body these days. It's radical. We have never had bills introduced in Nebraska to, you know, stand between a parent and their child and their healthcare provider and getting the care that they need if they are trans or non-binary or whatever. We have never had a bill addressing the trans community like that in Nebraska. Something so hateful, so divisive, such a fake problem that's being introduced just to continually drive a wedge between people, so yeah, that bill gets an IPP motion. All those bills get IPP motions. It's ridiculous to even bring this up. It is so radical, so hateful, so discriminatory, that yeah, it deserves an IPP motion. Don't bring bills like that that don't deserve IPP motions. You won't get it. Don't start none. Won't be none. The same with abortion bills. In the past, as far as I can remember, the only bills that got IPP motions like this were abortion bans. Senator Geist's method ban got one. I don't think that Senator Albrecht's bill to require that abortion patients receive medical misinformation from doctors got one. But in the past, typically, it's just been abortion bans that get this IPP motion. But you guys are bringing ridiculous stuff. You're, you're cutting down people's civil rights, you're interfering in medical best practices. And you knew this stuff was coming.

**DORN:** One minute.

**HUNT:** Thank you, Mr. President. You're looking for a fight and you're getting a fight and now you're saying you don't want a fight. I'm telling you what you're doing, so when I tell you what you're doing, don't then turn around and tell me I shouldn't say that. Frankly, I don't have a huge problem with this rule change. I'm going to support Senator Cavanaugh's recommit to committee motion. I don't think that the IPP motion has been abused. I think that you all have been abusing Nebraskans and you should get back to your tax cuts or whatever you said you were campaigning on to come down here and do and stop hurting

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Nebraskans and bringing bills that's going to have really horrible detrimental effects to people's civil rights. Thank you, Mr. President.

**DORN:** Thank you. Senator Hunt. Senator Linehan, you're next in the queue and recognized.

**LINEHAN:** Thank you, Mr. President. So I'm going to support the rule change and I'm against the recommitment motion. We are all-- and this is mostly-- I was going to stay out of this this morning, but I'm up because we have so many new members. We're all here. We become our experiences. And they reflect on our decisions, which is good. So I've had the same priority bill every year I've been in the Legislature. And every year, I've had 25 votes but could not get to 33. And every year, maybe not every year, but the first year-- I'll just go to the first year. I worked very hard, as all of you will, diligently, on your bill. And I made multiple changes to convince people I was willing to work with them. And it finally came to the floor and I never even got up to introduce the bill because there was an IPP motion, which-- I've never forgiven the senator. Not only was her IPP motion, which as Senator Hunt just explained, gave them 10 minutes to undo, unravel all the work I had done, to misrepresent what the bill was, to totally ignore the committee amendment, which consisted of multiple compromises. I, I didn't even get up. I couldn't talk to my colleagues about what was actually in the bill. This is absolutely the right thing to do, because we're going to be here for a while and a few bills are going to come to the floor. But we'll get to a point where it's only priority bills. And that will be your heart and your soul and your work for most of the time you're here and if we don't pass this, you may not even get to introduce it. I yield my time back to the Chair.

**DORN:** Thank you, Senator Linehan. Senator Conrad, you are recognized.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. Just to be clear, I'm listening very carefully to the debate this morning and remain undecided on how I'm going to vote for the recommit to committee. But I do appreciate Senator Cavanaugh for bringing forward the motion and giving us an opportunity to have an additional bit of understanding debate and dialogue about this specific rules change and the broader global issues. I don't particularly love the particular change that has been put forward, but I also see it as a good faith compromise from the Rules Committee. And I think it's reflective of their hard work and I think that's how this body is supposed to work. No one side gets everything they want, but we bring forward ideas, we

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hash it out and we try and identify common ground when we can. And if we can find some opportunity for consensus or compromise or common ground, that's not necessarily a bad thing. That helps us do our work together in a more constructive way. Senator Ibach brought forward a measure to repeal this, this component of our rules, essentially, which I understand and appreciate and she has every right to do so. But I do think that thanks to her leadership and the Rules Committee leadership, people heard from folks that were concerned about what a repeal might look like. And instead, they got creative and they said, really what this IPP rule is about is not about automatically killing a bill. It's about structuring the order of debate. So let's figure out how to structure the order of debate to perhaps provide the introducer of the measure that's subject to that-- this IPP motion, a chance to help frame the initial narrative, as Senator Linehan was just describing in regards to her experience. So I know the Rules Committee pondered an elimination. I know they pondered other opportunities to restructure debate ahead of this measure, which I think would have additionally weakened or made superfluous this particular rule. And I think they did what they're supposed to do. I think they did the hard work and they found a good faith compromise to put forward. Do I absolutely love it? No. I think the rule as it stand works perfectly well. Do I think it's reflective of a good faith compromise? Yes. Yes, I do. So I'm not exactly sure how I'm going to vote on the motion to recommit, but I, I really appreciate the effort and I think it's thoughtful. And I think that's exactly what we're supposed to do and that's how the process is supposed to work. And, you know, I guess I just have an additional kind of global note that I'd like to, to reaffirm with my colleagues here and this seems like a good time. Senator Cavanaugh mentioned that she thinks that perhaps this is hostile or it's not collegial or Senator Linehan talked with great sincerity and authenticity about the pain and harm that utilization of these rules has caused her in regards to pursuing her personal legislative agenda. And all of those perspectives are 100 percent valid and, and valuable to have in the debate. But I want to share my perspective. I, I don't think utilization of the rules is rude. I don't think it's out of bounds. Remember, we came together, we've adopted in a unanimous regard regarding our temporary rules, but these are the rules that we're going to utilize and agree to, to govern and structure our deliberation, to bring order from chaos, to help to ensure the tyranny of the majority--

**DORN:** One minute.

**CONRAD:** --does not run roughshod over the rights of the minority. So utilization of the rules, utilization of debate, in my opinion, in my

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personal opinion, is not rude, is not hostile. It is what we are here to do. It is what we ran to do. It is to debate the issues great and small. It is to utilize whatever strategies and tools we have available to pursue our personal legislative agenda or the work of the body as a whole, both proactive and defensively. So I don't put a value judgment on it. The rules are the rules and I think that they're important to how we do our work together. So I appreciate the committee's good work. I understand Senator Cavanaugh's point of view here and I'm going to continue to listen. But compromise, consensus and common ground are not bad things. And in fact, it is exactly what a deliberative body is supposed to do and so I'm inclined to, to be open-minded to the rules change. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Erdman, you are recognized.

**ERDMAN:** Thank you, Mr. President. So I listened to the comments, excuse me, that were made by Senator Hunt and Senator Conrad and also, Senator Machaela Cavanaugh. I stand opposed to recommit, but I may want to rethink that. Maybe we should send it back to the committee and bring it out with just striking section (f). So sometimes, be careful what you wish for. You may get something worse. But let me speak to IPP before the bill is read. Senator Linehan thoroughly explained the reason she's opposed to IPP before it's read. And I understand that this is a rule that we use. And what is peculiar about this rule is when a bill comes to the floor and it has a committee amendment, at least five members-- generally speaking, most committees are eight-- so five members of that committee have worked on the amendment and they agree that this is what the bill should be. So you have the introducer and five members of the committee bringing the amendment, which probably becomes the bill. And you're telling me that one or two people on the floor that have a dislike for the bill should have more authority than those people who worked on the bill and made the amendment have. That's peculiar. That's peculiar. This rule was put in place back in the six-- late sixties, early seventies because there was a rogue committee that continued to bring, bring things to the floor that were just totally unnecessary. So they put this in place and oftentimes, it would pass-- the IPP motion would pass 44-5. That's why it was put there. We don't do that anymore, all right. We don't bring those kind of bills out of committee. So what you're saying is one person has more authority than the committee that presented the amendment. That is peculiar. If we recommit this, I will tell you this. As committee Chairman, I will push for striking (f). And we can have a continuous discussion about rules for 40 days, like we did in '17. And Senator Hunt correctly stated that we didn't bring a lot of controversial bills or rule changes to the floor. I have had

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a lot of requests from people about what about open voting? Where's that rule change? Where is the rule change on major proposals? I have one barring the media from being in Executive Session. Those rules-- we will have a hearing if we adopt permanent rules, we will have a hearing on those rules. And it is my intent to vote those out to bring those to the floor and then we'll really, we will really have something to discuss. So we chose not to do that. Using Senator Conrad's comments, trying to cooperate and be collegial to get this passed, to get permanent rules. So the ball's in your court. Oftentimes, whatever is said on the floor doesn't change anybody's mind. There may be a rare occasion and maybe Senator Conrad's in that group. But when I first came six years ago, Senator Hughes and I had a comment about how often do people change their mind from floor debate. And he had been here longer than I at that time and he said, it does happen, but it's rare. So all these things we've been talking about this morning, probably is not going to change anybody's vote. So this is a common sense-- this is a step in the right direction, common sense approach, so I ask you to vote--

**DORN:** One minute.

**ERDMAN:** --I ask you to vote for the rule change and vote against the recommit. But if the recommit motion passes, I look forward to having that debate in the Rules Committee. Thank you.

**DORN:** Thank you, Senator Erdman. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. I had some comments to follow up on some of the things that have been said about this. First of all, every single circumstance is different. I appreciate Senator Linehan's personal feelings on an IPP motion. That is a very difficult situation to sit with when that happens to you. The bill that I IPPed this morning, totally different situation. Introducers never tried to work with me on it. The people that support the bill have never tried to work with me on it. It's been introduced every year that I've been here and it's, in my view, a waste of time. I looked at an IPP motion that Senator Hunt, who openly is a fan of the IPP motions, put up last year. And it was on LB933. LB933 was a total abortion ban that failed to get a cloture vote on cloture and it circumvented the committee process that Senator Ben Hansen was talking about and how he feels this circumvents the committee process. A pull motion is the ultimate circumvention of the committee process. If you want to talk about being disrespectful to your colleagues who sit in a committee, that is disrespectful. That's disrespectful to the Chair of

the committee. That's disrespectful to the members of the committee. That's disrespectful to the legal counsel that works on your bills in the committee. And I had a rule to increase a pull motion from 25 votes, which is a simple majority, to 33, which means it can pass a filibuster. Now, that didn't get kicked out of committee and that's not a fight I want to have today, but I do think it's important because since I have been here, pull motions have been used extremely liberally. Extremely. And frankly, I would love to see that struck, struck entirely as an option, but I'm not going to make a motion to strike it entirely as an option because it's a tool in the tool kit. But if you do a pull motion, I think it's a waste of the body's time if you don't have 33 votes, because then we have the debate on the pull motion, then we have the rounds of debate on the floor and every pull motion that I have seen in my four years has gone every round of a filibuster debate, every single round. But we're not concerned about the body's time when it comes to a pull motion, because the majority of the people support the terrible bills that are being pulled. And what I think, personally, not that I'm going to place my own personal judgment on you by putting in rules or penalizing the body for it, what I think is that if your bill isn't good enough for primetime to get out of a committee, you should take the time to work on it. I have worked on my bills that haven't gotten out of committee time and time and time again. I have introduced an integrated juvenile justice data system again this year. Third time I've introduced it. Every time I introduce it, I work with the opposition to see how we can get to yes. And this year, I'm really hopeful that we have. I had a great meeting with them before session even started. But the point is, I've never done a pull motion, and I think that is a vitally important piece of legislation for our state and to improve outcomes for youth that are just as involved. I've never used a pull motion for that because it had opposition in committee. I never even asked the committee Chair to exec on it because I wanted to work on it to make it better, because that's what my job is.

**DORN:** One minute.

**M. CAVANAUGH:** My job is not to get red meat bills thrown in the fire and then pull them to the floor and make us all, the entire state, this body, the pages, the staff, sit through that. I view that as unprofessional. But yet, you still can do it and yet, I'm still not going to stop you from doing it. We all make our choices in how we conduct ourselves in here. And everybody loves to make value judgments on our choices. But at the end of the day, your value judgment on how I conduct myself is irrelevant to me and the same should be true for you. You should not care how I view how you conduct yourself. If you

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think you're doing the right thing and be-- acting appropriately, then that's all that should matter to you, not my opinion about whether you're being appropriate or not. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Hunt, you are recognized.

**HUNT:** Thank you, Mr. President. I don't think I need to take the full time, but I wanted to make another point as I was listening to debate on this rule. Let's be clear that nothing about allowing a motion to indefinitely postpone a bill before it's read on General File, nothing about this rule that we're debating prevents the bill from passing. And I think we've gotten close to maybe misrepresenting on the record what this motion actually has the effect of doing. For example, I've seen, in the press, people reporting on IPP motions that I have filed this session. And people are saying things like, oh, Senator Hunt already killed the bill. Yay, it's not going to pass. She put the motion on it. Like, no, like we, we have to stop this misinformation because that's not how the motion works. And I've heard other colleagues say in this Chamber, you know, oh, they put the IPP motion on it, so I won't be able to work on it. People won't be able to have fair debate on it. None of that is true. Nothing about this motion prevents anybody's bill from passing. And the proof is we have passed bill-- bills that had this motion on it. So it sounds like it may be more about hurt feelings than any actual function of this rule being able to impede your ability to pass your bill. If you introduce a bill that gets IPPed, you know that it's going to go the distance. You know that you're going to need to find 33 votes for cloture for that. All of us have introduced-- well, not all of us. I, I have and many of you have introduced bills that we know if it came to the floor, it would need 33 to pass. Because maybe you have 25 votes, but you don't have 33, so you know it's going to be filibustered. Nothing about this motion prevents your bill from passing if you have 33 votes. And I think if we have hurt feelings about the way this, this motion can be used according to our rules, I think that's because perhaps we weren't strategic about our use of time, because this motion does not kill bills, it just reorders the way we do the debate. I'll echo Senator Conrad's point that she made, which is a point I've made, too, that using the rules is not rude, debate is not rude, asking questions on the mike is not rude. In my time here, I think that we've had a little-- we're all like a little bit allergic to being asked a question on the microphone, on the record. We take things very personally when people make motions or, or go through procedures to try to obstruct bills from passing. But as Senator Conrad said and I'll echo, that's exactly what we're here to do. And it's not rude.



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It's not necessarily personal. For me, sometimes it's personal because I don't like people who discriminate and support discriminatory bills. But as Senator Machaela Cavanaugh also said, if you have strong feelings about what's going on, that's kind of a you problem and you need to probably work on how you're going to be managing that. But just to be clear on the record, nothing about this prevents your bill from passing. I, again, don't really have a huge problem with this rule change. I agree that it's a good compromise, given the scope of controversy that was included in rule changes introduced in the rules hearing. And nothing about this rule change prevents an IPP motion from being made either. It would just change the order so that the introducer could talk about their crappy bill and then the IPP person can talk about why they want to kill it. And that's on both sides, of course. Right. So if we want to change the rules to reorder it differently--

**DORN:** One minute.

**HUNT:** --thank you, Mr. President. I'm a little bit wary and suspicious and cynical about the degradation of process. But this is, this is the process. It's changing the rules through hearing, adopting rules, coming to an agreement that we all decide to change something. And this rules package, generally, is one that I don't have a big problem with. This is the only rule that I would really not like to see come out, but I'll take it because the general package is acceptable to me. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt. Senator Conrad, you're recognized.

**CONRAD:** Thank you so much, Mr. President. And just to put a finer point on it, I guess, and I was thinking about and talking to some of my, my colleagues in the Legislature who are lawyers and who practice law. And maybe it's the dispassionate kind of utilization of procedure that maybe informs some of my thinking about it or my prior legislative service, where we had a variety of tactics and issues before us and, and found a way to stay in relationship and work through those. But, you know, for example, if I work really, really, really hard on bringing a case and getting my petition ready and getting all my ducks in a row to put forward what I think is critical on behalf of my clients, I-- I'm not offended if the other side files a motion to dismiss or a motion for summary judgment or a motion for directed verdict, because that's how the process works, to structure the debate and dialogue and put a fine point on the decisions before the court. So I, I really kind of bring that, that legal perspective in practice, kind of when it does translate, when it is analogous to

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the utilization of these rules, I see them as criminal procedure or civil procedure kind of rules. And they're neutral in terms of value judgment, so to speak, and, and application and utilization. So to Senator Hunt's point, I am indeed, much more concerned about procedures and practices happening in this Legislature actually beyond this rules package and beyond this, this particular rules change that is, is pending before the body. I have had a chance to discuss with many of my colleagues and the Speaker, as well, for example, how it may seem innocuous or kind of under the umbrella of administrative efficiency. But I'm, I'm deeply concerned about just-- how the hearings schedules are changing this year and how that is-- has an opportunity and effect of really fast-tracking legislation through what should be a more deliberative process, as contemplated under our rules. So there are absolutely, I think, global notes to be made in terms of how any effort to adjust rules, policy, practice and procedure, whether that's in committee assignment, whether that's in rules, whether that's in committee hearing structures, those impact the ability to have balance and to put forward good policy and to do the hard work before those measures hit the floor. So I am additionally concerned about those measures. They're not specifically before us in regards to, to this. And again, I do want to remind the body and commend Senator Ibach and Senator Erdman and other members of the Rules Committee for finding common ground, compromise and consensus. And for members who are concerned that somehow this rules change-- of course the principle matters-- but would somehow end an ability for priority motions or extended debate, that-- that's not the case. There-- this would change the structure of speaking if one type of rule is utilized. And it is important and I think it works great. But I can live with the compromise and would remind my colleagues that there are infinite numbers of ways to utilize the rules--

**DORN:** One minute.

**CONRAD:** --as they're written if an individual member so desires, to either tease out debate, to prolong debate. There's infinite numbers of way-- utilizing substantive debate and motion strategies to achieve those objectives, beyond just this particular rule change that is pending before the body. So again, in the spirit of consensus and compromise, I'm inclined to, to support the amended rule change before the body. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Arch, you are recognized.

**ARCH:** Thank you, Mr. President. I just want to make a brief comment. And that is that I think what we're, what we're witnessing here in

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this discussion is a recognition of the rules. And, and the rules are there for everybody, not, not minority, not majority, the rules are there for everybody. We all study the rules. We, we, we look at how they've been used in the past and how, you know, how-- when they started and all of those things. And that's-- that helps us be deliberative. This particular one, I think, is, is this question of which, which side of the line because, because we know that what we want is debate. That's what we want. We don't want a game of rules. We want, we want debate. And so with, with the, the amendment of this Rule 6, Section 3, that has been put forth by the committee, I think it strikes that side of the line that says we recognize the rules are there. We recognize that what we're about is debate. And, and, and I think it's, it's something that we should support. And with that, I yield the balance of my time to Senator Machaela Cavanaugh.

**DORN:** Senator Machaela Cavanaugh, you're yielded 3:50.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Mr. Speaker. And so ultimately, I'm going to pull my motion to recommit, but I just want to explain why. My motion would need 25 votes in favor to recommit this to committee. And equally, the rule needs 25 votes in favor to be adopted. So essentially, we're voting on the same thing twice. And while I love this tool of this motion, and I use it often and I normally pull it because I'm doing other things, I was intending to go to a vote, but I decided to spare us all two votes on this. I figure if you all want to support this rule change, then at least 25 of you have to vote for it. If you all want to join me in not supporting it, 25 of you have to vote against it or not vote. So I'm going to just let the body move forward with this as it was or as it is. And I just want to mention a quote from our colleague, Senator Danielle Conrad, from the rules hearing, that I had written down. "There's no such thing as good debate or bad debate, it's just debate." And I would really ask all of you to consider that, that statement, because there's so many value statements put out on this microphone about how this Legislature conducts itself, about how individuals conduct themselves. And we're all here to do a job. And again, we're not here to judge one another on how we do the job. We're here to do our own job. And, and so I'm going to use all the tools that I can use when I need to use them as I see fit and appropriate as guided in the, the Rule Book. And when they're not appropriate, I will tell you that the Clerk of the Legislature lets me know, often. So-- but that doesn't mean that whatever I'm doing is good or bad debate. It's debate. And I think debate is healthy. And I disagree with Senator Erdman that everybody already knows how they're going to vote. I believe that this is a deliberative body and that people are sitting in their seats

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today listening to the conversation that we've all been having and making their decisions. That decision may be that 48 of you vote for this. I don't know. I guess we'll find out. Thank you. And I pull my motion.

**DORN:** Consider the motion pulled. Thank you, Senator Arch and Senator Machaela Cavanaugh. Now back to debate on Rule 6, Section 3. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Mr. President. And just very briefly, colleagues, and thank you to Senator Cavanaugh for her thoughtful comments and removing the motion and providing, I think, an important learning opportunity about how that motion worked, in addition to the committee package and amendments that are before us today. I think that was very instructive. The, the final points that I want to note that I'm thinking about when this particular rule is utilized or any priority motion strategy is utilized, is again, how that might be characterized or seen as hostile. But honestly, what I have found in addition is that when you see a colleague file a priority motion or utilize this particular rule, lean in to that opposition. Embrace that opportunity to have a clarifying understanding that the measure you put forward is going to generate a great deal of engagement. When that, when that motion is filed, that let's you know, as an introducer, you might have to do some extra work to move your measure forward. You might have to work a little bit harder to try and identify potential opposition, issues, strategies, prior to when you get to that hearing. It's really kind of a, a red flag to all of the parties involved that that particular measure is going to generate additional controversy or engagement. So when you lean into the controversy, when you lean into the opposition, you're going to have unique opportunities to learn-- to learn what the concerns are, to challenge perhaps your preconceived biases or thinking about the measure, to identify potentially areas of common ground and consensus that can help get the bill in a better position before the committee hearing or before it hits the floor. I can tell you, having worked very closely with different stakeholders on a variety of different issues, sometimes folks that I was working and we were diametrically opposed to each other in terms of the, the substantive nature of the issue we were working on. When you stay in relationship amid controversial issues or points of disagreement, you actually can learn a lot. Wow, we really, really disagree about this issue, but through the course of that dialogue, we identified, oh, we actually agree on all these other things. And let's maybe figure out a way to put our heads together to advance those or, wow, I didn't realize these were the reasons that you were bringing this forward. And maybe there is another solution that we can identify to advance

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the same objectives. So don't forget for one second, from my perspective and I think from each of my colleagues that I've had a chance to get to know, either as returning members or new members, every single person that works hard to get here, that makes the sacrifice to be here, does so, I think, with good intentions. Because they care about Nebraska, because they care about Nebraskans, because they want to utilize their time and talents to make our state a better place with their ideas and their perspectives. So starting from that place of mutual respect, understanding and dignity, figuring out how we can use the rules, how we can use substantive issues to advance that, that kind of global perspective. And don't forget for a moment that dissent is patriotic, that dissent--

**DORN:** One minute.

**CONRAD:** --speaks to a future time, that dissent builds a record, that dissent lets the public understand and appreciate that the Legislature doesn't speak with one voice on any given issues. So whether that dissent comes through debate or utilization of rules or amendments or any strategy available to any individual senator to advance what's important to their constituencies in the best interests of the state, those, those are good things. Those are good things that we should embrace together to help structure our critical work together on behalf of our beloved Nebraska. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Erdman, you're welcome to close.

**ERDMAN:** Thank you, Mr. President. I appreciate the discussion this morning on this rule change. And as Senator Conrad said, debate, no matter whether it's positive or negative or in opposition or for the bill is good debate. I appreciate that. I will just say this about the bills that I have brought to the floor, Senator Conrad, over the years have been bills that are highly debated. That is not news to me. The first priority bill I ever received a vote from the committee to get on the floor was to change the valuation of ag land from a sales approach, the market approach, to a productivity approach and that bill was filibustered for eight hours. So it, it generated plenty of discussion. And most of the bills that I bring that get to the floor as my priority are the same way. So I'm, I'm used to that. And so I understand you have an IPP on my nuts and bolts bills for the consumption tax. I understand that. My, my goal is to sit down with you and explain what we're trying to do so that you have a conception of what it is, because I believe that your understanding of it is maybe not exactly what we intend to do. So with that said, I would

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appreciate you supporting this rule change. I think it's a step in the right direction. As I said earlier, it's not everything that I wanted, but that's what compromise is. And as Senator Ibach said in the meeting, in the hearing or the executive session, she said something is better than nothing. And so I appreciate her bringing this to our attention. Even though she's a freshman, she understood the significance of this rule. And so I would encourage you to vote green on this rule change. Thank you.

**DORN:** Thank you, Senator Erdman. Is there any more discussion? Seeing none, the question before the body is adoption of proposed rule change number 7, Rule 6, Section 3, General File. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 46 ayes, 2 nays on the adoption of the amendment to Rule 6, Section 3.

**DORN:** Adopt-- adoption of the permanent Rule 6, Section 3 has been approved. Mr. Clerk, for announcements.

**CLERK:** Mr. President, the next proposed rule change from Senator Machaela Cavanaugh would propose a new rule: Rule 2, Section 12.

**DORN:** Senator Cavanaugh, you're recognize-- Machaela Cavanaugh, you're recognized to open.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, this is a rule that I did introduce in committee. It did not come out to the floor and I decided it was worth introducing on the floor. So this would prohibit firearms and deadly weapons in the Capitol. So currently, you cannot have a concealed carry weapon in the Capitol. That's prohibited, but you can have an open carry weapon. And we don't even speak to any other deadly weapons, whether or not you can have them. So this would prohibit all deadly weapons, whether they're concealed or not, from being in the Capitol while we are in session. And this allows our law enforcement and security individuals in this building to take action if somebody were to bring a deadly weapon into the Capitol. As it stands right now, they cannot. Because we don't have a rule, we don't speak to it. And since we don't speak to it, we are not giving them the opportunity to secure us and this building in how they-- a-- an appropriate manner. So that's the intention of this. I have also introduced a bill that would do this in statute. I-- if this is to pass, I will then make a request of the body to make a motion to withdraw my bill. If this does not pass, then we will move forward

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with having a hearing on my statutory change. Thank you very much for your time and consideration.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Slama, you are recognized.

**SLAMA:** Thank you, Mr. President. And good morning, colleagues. I rise today briefly in opposition to Senator Cavanaugh's proposed amendment to the permanent rules package for two reasons. First, from a very basic level, I support the right to keep and bear arms. I support our Second Amendment. Moreover, this rule goes beyond banning firearms in the Capitol. It extends to, quote, all deadly weapons, end quote. And I worry about the scope of that. Just about anything could be used as a deadly weapon if somebody was trying hard enough. And I worry about the trickle down effect of this rules change and how its interpretations could be used against those trying to testify in our Capitol. So I rise in opposition, mainly in support of the Second Amendment for all Nebraskans. Thank you, Mr. President.

**DORN:** Thank you, Senator Slama. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. Senator Cavanaugh was correct when she said this rule was presented in the committee. And I just-- I guess I have a little concern or I'm perplexed a bit. What Senator Cavanaugh is trying to do here is a pull motion. And I believe earlier today that she described pull motions as something we shouldn't use or we should have a high threshold for voting a pull motion out of committee. And she also said you should go to your committee and work the committee to get it out of committee. And so then, in a short time after she makes those statements, then she introduces a pull motion. I'm wondering how you reconcile those two. Perhaps we don't need to. I am opposed to this rule change for the similar reasons that Senator Slama stated, Second Amendment rights. And I think we're doing just fine the way we are. And so I would ask you to vote no on Rule 2, Section 12, addition to the rules. Thank you.

**DORN:** Thank you, Senator Erdman. Senator Raybould, you are recognized.

**RAYBOULD:** Thank you, Mr. President. I, like Senator Slama, am in full support of the Second Amendment. But I can tell you, having served in government for 12 years and having traveled all over the state of Nebraska for business in different municipalities and counties, it's very standard. It's very, very common. In the city of Lincoln, Lancaster County, we do not permit firearms or deadly weapons in our municipal buildings. We don't permit them in our schools. In Platte

County, in Columbus, Nebraska, that I spend a lot of time in recently, they not only prohibit firearms and deadly weapons in locations like that, they have metal detectors to, to make sure that everyone is in compliance. They understand that sometimes the work of government can express outrage from individuals and they want to be mindful of the protection not only of the elected officials, but all of the hardworking staff that helps us craft good policy. So I encourage my colleagues to really take this into consideration. I know that this is prohibited in the municipal buildings in the city of Lincoln and Lancaster County. We don't have a metal detector there. But in the Hall of Justice, we do have a metal, metal detector there and we do have deputies staffing that. We have the same thing in Columbus, Nebraska. So I asked my colleagues, let's think not only of our own safety, but the safety of our staff and our community. This does nothing to prohibit your right to, to bear arms, but we ask you to be mindful of the impression you create. I can tell you as a grocer, having seen this happen so often in our grocery stores, customers call and complain and, and are concerned. Families with young children as they shop in our grocery stores are very, very concerned. They see individuals come into our stores and they're not certain if these are part of our security detail, but they see the weapon and they say that they leave their grocery cart where it is and they run out because they're concerned that this could be another mass shooting. So they grab their children, run out, and oftentimes it brings our hardworking employees to approach that individual and say, sir or madame, you're scaring our customers. Could you be so kind as to take your, your firearm and lock it safely in your vehicle so that you do not frighten people? And that's the same thing. I've heard stories, last year, of people coming into the hearing rooms armed and having ammo strapped on themselves, as well. That's very intimidating. That is very, very frightening. And I encourage all of our colleagues to rethink this for the safety of all involved. Thank you.

**DORN:** Thank you, Senator Raybould. Senator Lowe, you are recognized.

**LOWE:** Thank you, Mr. President. This is an overstep not only of our Second Amendment rights, but also of our personal rights. I will almost guarantee you on the floor today there are those with a concealed weapon. Not the kind you're thinking about, but I happen to have a pen in my pocket. That pen can be used as a deadly weapon. Are we thinking about that? I have a comb in my pocket. That comb could be used as a deadly weapon. When you go into prison, they confiscate those things. A piece of plastic, a piece of paper can be used as a deadly weapon. So this amendment, this propo-- propo-- proposed rule change goes too far. I would think about a handgun, but in the state



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of Nebraska, you are allowed to carry-- open carry. In the Capitol, you are allowed to carry-- open carry. We have a great state here. And I'd like to yield the rest of my time to someone who probably knows more about this than any of the rest of us in this room, to Senator Brewer.

**DORN:** Thank you, Senator Lowe. Senator Brewer, you're yielded 3:30.

**BREWER:** Thank you, Mr. President. Well, I was going to stay out of the fight on the pull motion, but I didn't realize how things were going to progress here. So I understand that some of this was started by a bill, my bill, that had to do with constitutional carry. Some of it was also because of attempts by the radicals to bring red flag laws, assault weapons bans. If you want to motivate the second house, go ahead and take away their constitutional rights. And there's, there's those in this room who felt uncomfortable and wanted to be escorted by the State Patrol because the second house came. And the second house is going to be back. They'll be back next week. I guarantee it. So what you want to do now is say, you know what? We're not going to take a right-- take away your right to vote or speak, but what we are going to do is take away your right to keep and bear arms. Now, you can flag that however you want. But that's the bottom line, what you're wanting to do here. And the second house will let you know next week how they feel about this. So we can sneak this in if you want, but here's, here's the wake up call on this. We have metal detectors upstairs for the Supreme Court to make sure that they're protected. But this building has no security. If you notice, Capitol security doesn't carry guns. We've got State Patrol here, but we got them here in very few numbers and not in very many places. Now, I'm sure if we want to quadruple the budget of the State Patrol, they'll go ahead and fill state troopers through the hallways here, but that ain't the right answer. I tried to do a pull-- I had to do a pull motion because what happened was I had constitutional carry as a bill that went to Judiciary. Chairman of Judiciary made me a deal. If I don't bring in mass numbers, then my bill will get a look and come out of committee or at least get a vote in committee. So I did. I called them off. I said, just stand down. Bring in a handful to speak and this will work through the system. Unfortunately, what happened was that bill was set on for over 20 days. So as-- the Chairman has the ability to kill a bill and you have no recourse if it's not for the pull motion.

**DORN:** One minute.

**BREWER:** So it can be your priority bill. It can have 25 co-sponsors and you still can never bring the bill unless you have that pull

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motion. So it is the Second Amendment-type motions that have brought the second house here. And I'm disappointed that the answer is to banned weapons in the Capitol instead of addressing the fact that if there isn't a problem and if we hadn't had a problem, because of someone's feelings, we're going to take away one of your rights. Well, stand by, because I think there are other rights we need to take a look at if that's how we're going to handle things. Thank you, Mr. President.

**DORN:** Thank you, Senator Brewer, Senator Lowe. Senator Cav-- Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. I wanted to address a comment that's been made by multiple senators on this. A pen is not a deadly weapon. Post-it notes are not a deadly weapon. Deadly weapons are defined in statute. I'm going old school because I'm having some technological difficulties. And for those of you that are new to the Chamber, there are books up there by the present-- President's desk. And they are our, our statutes. And so if you ever have digital problems, you can just go to the paper copy. For those of you that aren't having digital problems, you can find deadly weapons defined in statute in Section 28-1201. It is also defined in my, my legislative change, as far as weapons go. So I wanted to make sure that everybody understood that deadly weapons was not a vague term. It is a term that is defined in statute and would be utilized that way for the rule. I believe that would be the commonsense way to approach what a deadly weapon is. This just allows those that are trusted to secure us and the building and the people that come into this building, that they have the ability to execute that function in whatever way they need to. So if they feel that somebody should not be in the building with a machete, they can tell that person that they need to leave the machete in the car. I do think that people would be reacting kind of oddly if somebody was walking around the halls with a machete. And I know that that's a ridiculous idea, but right now, our State Patrol cannot tell that person, you can't have that in here. Just like for me, I don't think that it is appropriate for someone to bring a weapon of any kind, including a gun, into the Capitol. We are here to do the people's business. This is not taking away anyone's rights. It is a choice to come to the Capitol just like it's a choice to go any other public place where guns are prohibited. And they are prohibited in a lot of public spaces, including the Supreme Court, in this building. This would not require putting metal detectors everywhere. It would require common sense. It would require responsible gun owners knowing that they can't bring a gun into the Capitol, and if they do, they will be asked to leave or to remove said gun from the Capitol. That is

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not an unreasonable burden. And if you think that's an unreasonable burden, then you must also think that it's an unreasonable burden to ask somebody with a machete to remove the machete from the Capitol. This is not-- I'm not being hyp-- hyperbolic. This is the reality of what this does. I'm not at all surprised that this is arousing some feelings. And Senator Erdman, you caught me. This is a pull motion. I guess I have now done a pull motion. And I have a feeling it will be wildly successful. But yes, when I do something, I own up to it and this is a pull motion, so I guess now I can't say-- I've done an IPP motion. I've done a pull motion. 2023 is a banner year for me. I will yield the remainder of my time. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Conrad would recognize 12 students from the fourth grade from Trinity Lutheran School here in Lincoln, in the north balcony. Please be-- please rise and be recognized by your Nebraska State Legislature. Returning to debate, Senator Hunt, you are recognized.

**HUNT:** Thank you, Mr. President. I just want to rise briefly and on the record and share my agreement with Senator Brewer, who said that we can't take away the rights of Nebraskans just because of somebody's feelings. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt. Senator Slama, you are recognized.

**SLAMA:** Thank you, Mr. President. And I will be brief. I, I do appreciate Senator Cavanaugh bringing up the specific definition of deadly weapon as defined in Nebraska statutes. It is important that we operate under those. According to Chapter 28 of our statutes, 28-1205, it does define deadly weapon as any instrument, which in the manner it is used or intended to be used, is capable of producing a bodily injury involving a substantial risk of one, death; two, serious permanent disfigurement; or three, protracted loss or impairment of the function of any organ or body part. The weapon need not actually produce such injuries, but need only be used in a manner which makes it capable of producing them. So we had a Supreme Court case, if you want to look it up, it's State v. Ayres from 1991, in which it was found that a three-by-three-quarter inch wooden spanking board could be found to be a deadly weapon under our statutory definition. So yes, to Senator Lowe's example, if used in such a manner, a pen could absolutely be considered a deadly weapon. The term deadly weapon is far too broad. And I still stand in opposition to the amendment of the rule based on my commitment to protecting the Second Amendment rights of Nebraskans. Thank you, Mr. President.

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**DORN:** Thank you, Senator Slama. Is there any more discussion? Seeing none, the question before the body is-- Senator Cavanaugh, excuse me. Senator Machaela Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I just would encourage you to give our law enforcement the tools that they need in the tool kit to make everyone safe in this building. And I encourage you to vote green for my pull motion. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. The question before the body is the adoption of Rule 2, Section 12; firearms in the Capitol. All those in favor vote yea; all those opposed vote nay. Have all those who voted that care to? Mr. Clerk, record.

**CLERK:** 7 ayes, 32 nays on the adoption of the rule.

**DORN:** Rule-- proposed Rule 2, Section 12 has not been adopted. Mr. Clerk, for announcements.

**CLERK:** Mr. President, the next rule, proposed rule from Senator Machaela Cavanaugh, would amend Rule 1, Section 19.

**DORN:** Senator Machaela Cavanaugh, you're allowed to open.

**M. CAVANAUGH:** Thank you, Mr. President. I don't have a copy in front of me right now because it's being passed out. But this would just add to-- currently, committee hearings are recorded and a transcript is eventually made available. This would add committee briefings, as well. I believe you can request a Speak-- a Speaker-- a Chair can request that their public briefing be recorded and transcribed. This would just make it automatic. I just-- I know some of us aren't always able to attend briefings, especially during the interim. And if you can't attend a hearing during the interim, that is recorded and a transcription is available, but not necessarily for a briefing. And so, this just extends it to include a briefing. Sorry, Transcribers. I know this is more work. I-- but I encourage you to vote for my pull motion again. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Arch, you are recognized.

**ARCH:** Thank you, Mr. President. Having served four years on the HHS committee with Senator Machaela Cavanaugh, I understand where she's coming from on this particular one. I got some-- I have some technical issues that will not allow me to support it. But in HHS, we've had-- we have lots of briefings. There's just-- there's briefings on all

sorts of programs and departments and agencies and, and that's, and that's very good for the education of the, of the committee and, and we've used that, frequently. I think that's, I think that's a good practice. At times we've even traveled to other parts of the state to receive briefings and, and you know, be, be close to where there could be an issue or, or where we have-- need to have some understanding. So my first, my first question and, and I, at this point, I will not support this, this rule change, but I would welcome further discussion about this issue. My, my first question is what is a briefing? And so we'll have to, we'll have to try to define what a briefing is. That could be a whole range of things, I think, that, that could fall under that category. And every time we, we expand, of course, we, we have costs associated and so forth. But nonetheless, I think we need to, we need to define the briefing. And then the other is the, the, you know, made, transcribed and preserved. The question is, are we talking audio, are we talking video? Are we-- you know, what is the technology necessary? We don't-- we, we have arrangements to have that done with committee hearings right now. We would have to have arrangements to have that. There's probably, there's probably costs associated with that, which if the Legislature decides to do that, that's fine. But I, I would just-- I, I would say let's, let's have more discussion about the recording of briefings, what is a briefing and the technology necessary, any costs associated with that, before we, before we move on the adoption of this particular permanent rule. But again, as I said, I understand where Senator Cavanaugh is coming from on this, because we have sat through a lot of briefings that are very, very good briefings and would be of great resource to the public to, to see and hear those, as well. So with that, I don't support the adoption of this, but I do support further discussion on this issue.

**DORN:** Thank you, Senator Arch. Is there any more discussion on the proposed rule change? Senator Machaela Cavanaugh, you're invited to close.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Mr. Speaker. The only change is to add committee briefings. I'm very open to defining what a committee briefing is more narrowly. But it doesn't change any of the other process. And for those of you that are Chairs, if this does not pass, you can still request that your briefings, your public briefings be transcribed. So with that, I would encourage you to vote for my pull motion. Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. The question before the body is the adoption of proposed Rule 1, Section 19. All those in

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favor vote yea; all those opposed vote nay. Have all of those who wish to vote done so? Mr. Clerk, record.

**CLERK:** 8 ayes, 33 nays on the adoption of the proposed rule change.

**DORN:** The amendment to Rule 1, Section 9 [SIC - Section 19] has been defeated. Mr. Clerk, for more announcements.

**CLERK:** Mr. President, the next rule change from Senator McDonnell, proposed rule change would amend Rule 1, Section 22.

**DORN:** Senator McDonnell, you're recognized to open.

**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. When I presented this idea and it's being passed out to you and this rule change, in front of the committee, I had not done all of my homework. So I worked with the Speaker and, and Senator Erdman and Brandon, who did a great deal of work on this and I, I appreciate it. He pretty much wrote it up for me. But the concept was that when I testified-- we have chaplain of the day. And I believe in that and an individual senator can decide that they're going to lead us in prayer. They can decide they're going to invite someone to lead us in prayer or they can decide not to say the prayer at all. That is the same with the Pledge of Allegiance. On a daily basis, we have that opportunity to, to say the Pledge and sign up. That would not change. But it would be added is that that senator could, through the Clerk's Office, invite someone that is a veteran that is currently active or reserve in the military to lead us in the Pledge. Now, there was some things, common sense things, that I had not thought of. Sometimes common sense isn't that common. And Brandon and the committee brought this up to me and, you know, would they be in uniform? Yes, or possibly in business attire. Would they have to show an ID? Yes, they would. Would that have to go through the Clerk's Office? Yes, it would. We've worked all these things out in the, the work you see in front of you and the, the document is answering those questions. I've gone to every one of the people on the Rules Committee to ask for, for their support. I believe we've covered all of the concerns and the Speaker and, and Brandon. So, you know, you think about us having an opportunity to say thank you to the military. Ninety-nine percent of us will never serve. My grandfather served. My father served in World War Two. My uncle served in Korea, Vietnam. My son's currently serving and actually, as we speak, traveling to Qatar with 155th Nebraska Air National Guard to serve in active duty for four months. So I appreciate what they, they, they do and I think we, we all do. But again, 1 percent have taken that, that oath and have served us in our nation's history for the

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other 99 percent. So if we can have an opportunity to say thank you-- this is not an opportunity for someone to come in and give a speech. It's an opportunity for them to be recognized for their service. If a senator decides to invite them and they, they actually are within those veteran active or reserve, they have the proper identification, they're dressed in uniform or business attire, they will lead us that day in, in, in prayer or in the Pledge, just like we do in prayer. And I think it does help us take a step back and realize about other people's sacrifice. Just like the prayer, it sets the tone for us in the day and hopefully we realize, hey, those people that have served our, our state and our country, that we should say thank you to on a daily basis. And this is the idea for the Pledge change. And again, it's an option. No senator has to participate in it. But if you do, there is rules that have been set in place. And I appreciate the Speaker, Brandon and Senator Erdman's help on this rule change. Thank you very much.

**DORN:** Thank you, Senator McDonnell. Senator Erdman, you are recognized.

**ERDMAN:** Thank you, Mr. President. Let me-- I'll be brief this morning. Let me just explain. We did work this out and I appreciate Senator McDonnell having the opportunity to bring this pull motion and I will support this. But I wanted to say this before I close today. There were people that said that I did a good job running the committee. And the description is committee. I wasn't the only one in that hearing. There was Senator DeBoer, Senator Bostar, Senator Hansen, Senator Ibach and the Speaker, Senator Arch. They all contributed to how that committee went and how it concluded. And for us to complete 58 rule hearings in 9 hours was exceptional and it would have never happened if I didn't have a committee to support to do that. So I want to say thank you to all of those and especially to the excellent job the Vice Chair did, Senator DeBoer. So with that, I will ask you to vote for Senator McDonnell's motion and thank you.

**DORN:** Thank you, Senator Erdman. Senator Clements, you are recognized.

**CLEMENTS:** Thank you, Mr. President. I was reading this proposed rule change and it says that someone in the military may be invited to lead the body. Would Senator McDonnell yield to a question?

**DORN:** Senator McDonnell, would you yield to a question?

**McDONNELL:** Yes.

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**CLEMENTS:** I'm not sure if-- do you have a procedure how people are going to be invited? Will a individual senator invite them like we do-- request chaplains or what's the details on that?

**McDONNELL:** It'll mirror exactly how the chaplain process works. So a senator would have to invite that individual, then the process we'd go through is through the Clerk's Office to make sure that person had served, has the proper identification. And again, Senator Bostelman was just educating me on some of the forms that would possibly have to be filled out. Based on that, that individual would-- yes, Senator Clements, it would start with the senator saying that day that they're scheduled for the Pledge. They would like, like to invite that individual that has served our country and then the process would begin. And they'd be cleared through the Clerk's Office, just like we do with the chaplain of the day process.

**CLEMENTS:** Thank you, Senator McDonnell. That is how I would like to see it done and so I am glad to hear that's the procedure you're planning to follow. Thank you, Mr. President.

**DORN:** Thank you, Senator Clements and Senator McDonnell. Is there any more discussion? Senator McDonnell, you're recognized to close. Senator McDonnell waives. The question before the body is approval of Rule 1, Section 22. All those in favor vote yay; all those opposed vote nay. Have all those who vote-- who wish to vote done so? Mr. Clerk, record.

**CLERK:** 44 ayes, 0 nays on the adoption of the amendment to Rule 1, Section 22.

**DORN:** Rule 1, Section 22, the amendment has been adopted. Mr. Clerk, for a motion.

**CLERK:** Mr. President, Senator Erdman would move to adopt the permanent rules for the One Hundred Eighth Legislature, First and Second Session, and any special sessions held during the 2023-2024 calendar year.

**DORN:** Senator Erdman, you're recognized to open.

**ERDMAN:** Thank you, Mr. President. I move to adopt the permanent rules for the One Hundred Eighth Legislature, First Session, Second Session and any special sessions held during the 2023-2024 calendar year. Thank you.



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**DORN:** Thank you, Senator Erdman. Colleagues, you've heard the motion. All those in favor vote aye; all those opposed vote no. Have all of those who wish to vote done so? Mr. Clerk, please record.

**CLERK:** 44 ayes, 0 nays on the adoption of the permanent rules.

**DORN:** The permanent rules have been adopted. Speaker Arch, for an announcement.

**ARCH:** Thank you, Mr. President. First of all, there's been a lot of thanks this morning, but I want to make my, my thank heard very well. I-- this, this, this Rules Committee this year, it was an unusual experience. And I, and I, I appreciate so much the hard work of the Chair, Senator Erdman, all members of the Rules Committee. We have-- this, this has been a good process because one of the things that we saw very clearly, which is unusual from the past, is that the public became very engaged in this and that's always welcomed. And how it was handled to make sure that the public had a voice in all of that-- this was a-- this was kind of a new, a new way of doing a Rules Committee hearing, but it went well. The public had the opportunity to speak and, and, and, and I think that the deliberations within the committee were good. So special thanks to the Rules Committee, special thanks to the Legislature for passing the permanent rules and we can move to the committee work and, and begin our deliberations on all the bills that have been introduced. With that good news, we, we will adjourn here in a, in a few minutes. And tomorrow, because we have gotten through our permanent rules, is strictly a check-in day. And so we do need you to check in because we need to have, we need to have a number of senators here to make sure that we, we have a check-in day. 10:00. So tomorrow will be 10:00 check-in. Once we're checked in, we don't have other business on the agenda and, and then we can adjourn and you can enjoy your weekend. Thank you for those of you that stayed overnight tonight-- last night, to make sure that you could be here for this important rules debate. And, and with that, I, I-- again, thank you very much for your hard work.

**DORN:** Thank you Speaker Arch. Mr. Clerk, for some announcements.

**CLERK:** Thank you, Mr. President. Items for the record. Senator Machaela Cavanaugh, motion 15 to LB811. That will be printed in the Journal. Additionally, amendments to be printed: Senator Hunt to LB626. Notice of committee hearing from the Government, Military and Veterans Affairs Committee. Mr. President, series of name adds: Senator McKinney to LB581, Senator Day to LB588, Senator McDonnell to LB606, Senator Bostar and Conrad to seven-- and Raybould to LB709,

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Senator Raybould and Bostar to LB721, Senator Blood to LB769, and Senator Wayne to LB100 [SIC - LB800]. Finally, Mr. President, the announcement, the Referencing Committee will meet upon adjournment in 1525, Referencing, upon adjournment, in 1525. Finally, Mr. President, a priority motion. Senator Wishart would move to adjourn the body until Friday, January 20, 2023, at 10:00 a.m.

**DORN:** The question is shall the Legislature adjourn? All those in favor say aye. All those opposed-- oh, excuse me. All those in favor say aye. All those opposed, nay. We are adjourned.