

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fourth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Pastor Tom Earhart, Johnson United Methodist Church, Johnson, Nebraska; Brock United Methodist Church, Brock, Nebraska. He is a guest of Senator Lowe.

**PASTOR EARHART:** Thank you very much. Will you join me in prayer? Dear Lord and Father, thank you that you promised us that where two or three are gathered, you were there in the midst. We welcome you amongst us today and celebrate the blessings you have lavished upon each of us. We ask that you would open our ears so that we may hear your voice, open our minds that we may receive your wisdom and open our hearts that we may welcome those around us as brothers and sisters. Lord, I thank you for each of the leaders here, leaders who have committed themselves to serving the people of their communities and our state. Bless them with health and strength. Bless their families and the communities they serve. Give them purpose and direction. Help them guide our state and serve the people. Humbly, we ask that you fill these men and women with wisdom and discernment, that they may plot a course for this state, a course leading to prosperity and justice. Give them insight into the needs of their communities and discernment to make decisions to lead those communities and our state. Give them a spirit of gentleness that when divisive issues arise, we may be respectful, civil, and work to find common ground. Humble our hearts that nothing we argue for or act upon would be out of selfish ambition or conceit, but in humility may we empty ourselves in our service to our neighbors and communities. We ask this in the glorious name of Jesus. Amen.

**KELLY:** Thank you, Pastor Earhart. The Pledge of Allegiance today will be led by Senator Armendariz.

**ARMENDARIZ:** Thank you. Please join me in the pledge. 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.

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

**ASSISTANT CLERK:** There is a quorum present, Mr. President.

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Floor Debate January 9, 2023

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

**ASSISTANT CLERK:** No corrections this morning.

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

**ASSISTANT CLERK:** There are, Mr. President. I have a Reference report for LB1 through LB91 and 7 [SIC - 6] constitutional amendments. In addition to that, I have a report of registered lobbyists as of January 8, 2023, for insertion in the Journal. Finally, a series of appointment letters to various state agencies and positions. Those will be inserted in the Journal, Mr. President. That's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. Our, our physician of the day is Dr. Theresa Hatcher from Omaha. Turning now to the introduction of new bills, Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. New bills: LB146 offered by Senator Kauth. It's a bill for an act related to revenue and taxation; to change provisions relating to improvements on leased lands and methods for giving notice; repeal the original sections. LB147 by Senator Kauth. A bill for an act relating to property tax refunds, change provisions relating to the notification of political subdivisions; repeal original sections. LB148 by Senator Jacobson. A bill for an act relating to the Nebraska Racetrack Gaming Act; to change powers and duties of the State Racing and Gaming Commission; changes dates related to required market analysis and socioeconomic-impact studies; harmonize provisions; repeal the original sections. LB149 by Senator Jacobson. It's a bill for an act relating to appropriations; to state intent regarding appropriations for the Medical Assistance Program; to require an annual report; declare an emergency. LB150 by Senator Dover. It's a bill for an act relating to the Nebraska Liquor Control Act; change provisions relating to the entertainment districts; repeal the original sections; declare an emergency. LB151, Senator Dover. A bill for an act relating to the State Real Estate Commission; change provisions relating to the membership of the State Real Estate Commission; certain notice requirements; and repeal the original sections. LB152 by Senator Dover. A bill for an act relating to the Membership Campground Act; to eliminate a registration requirement and a penalty in the Membership Campground Act; to harmonize provisions; and to repeal original sections. LB153 by Senator DeBoer. It's a bill for an act relating to

education, to adopt the Extraordinary Increase in Special Education Expenditures Act; create a fund; harmonize provisions; repeal original sections; declare an emergency. LB154 by Senator DeBoer. It's a bill for an act relating to the Treasurer's tax deeds; change provisions relating to notice; to harmonize provisions; and repeal original sections. LB155, Senator DeBoer. It's a bill for an act relating to Small Wireless Facilities Deployment Act; to provide for applicability of a limitation on an authority's power relating to certain activities of a communications service provider; repeal the original section. LB156 by Senator DeBoer. It's a bill for an act relating to the Public Guardianship Act; to change the caseload requirement for public guardian and conservator appointments; and repeal the original sections. LB157, Senator DeBoer. It's a bill for an act relating to temporary guardians; to authorize appointments to temporary guardians for certain limited purposes; to exempt guardians from caseload ratios; and to repeal the original sections. LB158 by Senator McDonnell. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Agriculture; to distribute grants for the management of vegetation within the banks and floodplain of a natural stream; and to declare an emergency. Mr. President, that's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. Senator Briese, you're recognized for an announcement.

**BRIESE:** Thank you, Mr. President, and good morning, colleagues. I have two quick announcements this morning. First, new staff orientation will be beginning in a couple minutes here at 10:15 in room 1524. And again, I strongly encourage senators to send their staff to this training, especially if they are new to the building. Second, a reminder that members should have received a memo from my office last week regarding appointments to special committees made by the Executive Board. If you wish to be appointed to any of these committees, the deadline to send a letter or email to my office is noon tomorrow. And again, any questions, feel free to reach out to my office. Thank you, Mr. President.

**KELLY:** Thank you, Senator Briese. Mr. Clerk, we'll now proceed to the next item on the agenda.

**ASSISTANT CLERK:** Mr. President, the next item is a motion to adopt the report from the Committee on Committees. The issue was considered last Friday. At that time, there was pending a motion from Senator Machaela Cavanaugh to recommit it to the Committee on Committees.

**KELLY:** Senator Cavanaugh, would you take a moment to refresh us on your motion?

**M. CAVANAUGH:** Absolutely, Mr. President. Thank you. Good morning, colleagues. I hope everyone had a wonderful weekend. I saw the beautiful photos from the ball, inaugural ball. It looked lovely. I have a motion to recommit to committee that would do what it says, recommit the Committee on Committee's report to committee so that we can continue to work on our committee assignments and go through the process as we have previously done. That doesn't mean starting over, but it does mean taking a look at how the committee assignments were allocated and reevaluating some of those decisions and seeing if there's a better way to approach some of the committee makeup. And with that, I guess I will just get in the queue. Thank you, Mr. President.

**KELLY:** Turning now to the queue, Senator Conrad, you're recognized.

**CONRAD:** Good morning and thank you, Mr. President. Definitely, it was a festive opportunity to connect with people across the state and across the political spectrum this weekend. And my husband and I really enjoyed being a part of that positive energy and spirit and great celebration of our, our great state. Today, I rise in support of Senator Machaela Cavanaugh's motion to recommit the committee report to committee. And I want to start with just providing a few kind of global comments or kind of North Star perspectives about my thinking in regards to this debate today and moving forward. So first of all, I have been crystal clear with my constituents, with all stakeholders that have business before this Legislature, that I am here to protect the nonpartisan institution, to be a strong advocate for working families and to protect civil rights. And I will keep those North Star perspectives in my head with each and every opportunity and endeavor. That being said, when there are opportunities to work together to address workforce challenges, to address education, to address issues to move our state forward, I am eager and willing to work with anyone any time to have those kinds of constructive dialogues and opportunities. The other kind of set of global North Star issues that I'm thinking about in regards to this debate and, and many to come is affirmation and a reminder that each and every member of this august body voluntarily decided to pursue an office in a nonpartisan legislative body. Each and every member of this august body voluntarily took an oath to defend this nonpartisan body as enshrined in our state constitution. The Speaker, the members of the Committee on Committees voluntarily sought leadership positions to ensure a

thoughtful process and result. These committee assignments will be in place for two years. They are critical to ensuring that a strong committee structure and process gets the best legislation available and to the floor, which is in the best interests of each of us, this body and the citizens of Nebraska so connecting the dots on why each of those pieces matter. Additionally, I'd like to point out in our very existing rules, if you'll remember, we adopted the rules from last go around as temporary rules which are, are in effect now. And if you open your Rule Book to Rule 2, Section 1, I think it's really important to do so because this provides basically a framework or a priority for how we order chaos, how we structure our debate and this section is about rules and matters not covered. So of course, the first primary objective is to look at the rules themselves. And if the rules themselves do not speak to a specific situation, the rule directs us to custom. The rule on its face as it exists today, directs us to custom. Rule 2, Section 1(b): in the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage and/or precedent. That's the second, that's the second order of priority, friends. First, a controlling rule. Second, under our rules, controlling custom, usage and precedent, and then if none of those are in play, then we refer to the Mason's Manual of Legislative Procedure. So what we're talking about today--

**KELLY:** One minute.

**CONRAD:** --is-- thank you, Mr. President-- is governed by our rules, rules that we have voluntarily adopted and are in place today. So under Rule 2, Section 1(b), if there's not a controlling rule, custom, usage and precedent controls, controls this process. And that's the issue. There was no custom, usage or precedent that was utilized or respected. So we need to have a broader conversation about adhering to our rules. We can't just throw up our hands and say it was a fair process and a fair result. It was not because it did not comport with custom, precedent or usage as demanded by our rules. Thank you, Mr. President.

**KELLY:** Thank you, Senator, Senator Conrad. Senator Blood, you're up.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, to quote Senator Arch, Speaker Arch, process matters not just for diagnosing our concerns, but also how we will soon shape policy and move it forward, which is why I stand in support to recommit this report. When we go back and think about what happened for-- on Friday, it really was about reflectivism. We absolutely must shift structural

inequalities in how committees are selected. And as I listened to my colleagues last week, not just the floor speeches, but also our caucus speeches, there were words about fairness, bipartisanship, honoring the process. And here we are today. Clearly, many of the speeches were just verbal appeasement. Our caucus met and we were strong-armed with, with Senator Hilgers-- Senator Hilgers, who had been elected to be our next Attorney General. We were basically forced to have our caucus meeting with Senator Hilgers, allowing him to vote on what the future of the Legislature would hold. Even though many of us begged to wait until somebody was appointed in that spot, it was just tough. If we were to meet, we're to meet when they wanted to meet and Hilgers had to be involved. What a great start to this legislative session. And I want to make sure that you know that although I think most of you already do know that. So last week to me was really telling. Senator Moser admitted that political consideration was indeed part of the cos-- committee assignments and you saw that in the media. It was quoted. And basically said to us, you know, you get what you get and nothing's really ever going to change. OK. If you listened to Speaker Archer's [SIC] speech asking for our support, he said that there is two things-- and I actually did listen to you, Senator Archer. Arch, not Archer, I apologize. I'll catch on eventually. One, manage the process; two, positively influence the culture of the Legislature. I think those sound like really good things. You said you wanted to strengthen and build trust in the institution. Do you mean for people outside of this body or in this body? Because if it's in this body, we need to do something structurally. You talked about healthy relationships, healthy communication, and that you, yourself said misunderstandings lead to unnecessary conflict. Well, Speaker Arch-- I got your name right that time-- this is where we're at. You know, the one thing that I've known since my very first year is that deals are made usually behind closed doors, sometimes out in public. You notice I'm never part of those deals because I believe in transparency. I don't think it's ethical. And, and do I miss out on things? I absolutely do because I'm not making deals, but that's OK for me because that's not what I believe being a public servant is about. I go back to my freshman year and my first choice was Judiciary. And my, my three-day committee ended up being Government Affairs. And four years later, I was told I could go on to Judiciary and I actually refused it because I wanted to stay on Government Affairs, because I knew there were--

**KELLY:** One minute.

**BLOOD:** --some hard bills coming up that I wanted to be a part of and I was OK with that. But I want to tell you something. It was because of my seniority that I was offered to be on Judiciary. And my experience, I'm the only person on the floor of this Legislature that ever worked in the Nebraska state prison system. I've been screwed over more times than I can count as a state senator. But I'm telling you, I got two years left and we got lots of time on our hands and time to write more bills. And, you know, maybe until we get things right, we need to just keep talking on the mike because I think that's probably what's going to happen. It's time to be fair. Quit digging in your heels. If you're really trying to change the environment, Speaker Arch, let's take a step back. Recommitting is only asking that maybe they tweak what they did, make it fair, make it mirror what you said being a Speaker was all about and how you'd like to see this body move forward.

**KELLY:** That's time, Senator.

**BLOOD:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Blood. Senator Raybould, you're recognized.

**RAYBOULD:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I stand in support of our efforts to recommit the committee assignments back to the Committee on Committees. I wanted to share my perspective and experience as a newly elected senator. Like all of you, I am so very honored to serve in this Chamber and to work with each of you collaboratively and cooperatively by checking my party affiliation at the door as years of tradition have shown. The only pledge I made when running for this office was to work with anyone and everyone in the Nebraska Legislature for the betterment of our state. The first confrontational issue that we encountered in our CD caucus was when are we actually going to meet together? I was unable to join the caucus because of my prior commitment to travel to visit my grandchildren. The leadership on the caucus made me feel that my presence wasn't necessary and they could work around my secret vote on selections. In my political brain, my political instincts were triggering. This immediately registered that, number one, my vote was not needed. And number two, everything had been preordained and predetermined. I was also surprised to receive a memo prior to our CD 1 caucus meeting that was finally scheduled after tremendous amount of haggling with all of our colleagues weighing in because they also had Christmas travel plan conflicts. The memo indicated that some traditions may have been changed to the makeup of our CD 1 committee selections and that we planned on handling seniority just a little bit

differently. This was immediately another big red flag to everything I had read and studied about the nonpartisan integrity of this truly unique institution. In the past, CD 1 has four selections to be on the Committee on Committees-- two Republican and two Democrats. Prior to our meeting, I was informed that all my suspicions had been confirmed that indeed the selections for the Committee on Committees for our caucus had already been set, despite the fact that we had never met. Senators Wayne, Cavanaugh and Blood have spoke about transparency and I just wanted to share with you one of my favorite quotes from Mother Teresa. She said, being transparent makes you vulnerable. Be transparent anyway. Like several in this Chamber, we are seeing that incumbency is being ignored, the established precedence of seniority is being tossed aside and political ideology and party affiliation is now the driver of this process. I readily acknowledged to Senator Arch that as a new senator we do not have strong standing in getting our first choice. I came here to serve and am so honored to work hard on whatever committee I have been assigned to. But, but-- this is a big but. I have heard from my new senator colleagues that they were put on committees that they hadn't even listed on their preference sheet. I commend my colleagues serving on the Committee on Committees for their work. It is not easy, but they are not yet done.

**KELLY:** One minute.

**RAYBOULD:** I ask my colleagues here to recommit and work cooperatively with each other on making the adjustments requested by numerous senators. Why? First of all, because we are not a body of stagnation and stalemate like our U.S. Congress. Also, for fairness and mostly for the longstanding traditions we are duty bound to uphold to allow this Unicameral to function as intended for generations to come. Thank you.

**KELLY:** Thank you, Senator Raybould. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. First, as a favor to all of you-- so I'm going to take my time on the microphone today to talk about what-- how it happened, like what actually happened, what happened in our caucus, what happened in the Committee on Committees and how that differs from what precedent is. But I want to do all of you a favor and disabuse you of the idea that any of you are on a committee because you wanted it. Lest you think that you are on Judiciary or Government or Appropriations or any committee because of your seniority or because of your incumbency or because of your preference, I promise you, as



someone who was in the room, that is not why you are on that committee. If you are on a committee that you wanted, if you are currently sitting on a committee that you had been on before, if you are on a committee that you had the seniority to, to stay on or to join, that's not because the system was working. It's because the people in the majority who were in that room putting the matrix together of who's going to go on committees, it's because it worked for them, not because it worked for you. So that's something that we need to be clear on from the beginning. I put together a matrix easily that had everybody's incumbency respected. Nobody in my matrix was kicked off their committee. Everybody's preferences were considered in order of seniority, which is customary, and every single person in this body, whether you're a freshman or in your sixth year, got their first, second or third choice. That is how a good-- that's good governance. That's best practices. That's how a good system is supposed to work. And it was easy to do, frankly. The people I worked with in my caucus did not all understand how to do this. The people in my caucus who were on Committee on Committees, several of them-- a couple of them had not been on the committee before, clearly did not understand or respect the seriousness of the process. Because, colleagues, when you have the numbers to just beat the process over the head with a club instead of actually considering what's best for your caucus, what your members want, the people who elected you to represent them on Committee on Committees-- you know, when you don't take that seriously and you don't think about it surgically and, and look at a way to put together a matrix where everybody can get something they want and precedent is respected, then this is what happens. And honestly, I understand the temptation. If I was in the political majority in this body and I was working on a committee that I knew nothing about, that I had no experience in serving on, and I saw the numbers and I said, hey, buddy, we can just roll these people. Like, let's just put everybody where we want them to be and if they don't like it we'll say, too bad, which, colleagues, is what happened. Literally, that is what happened-- then I can see why it would be tempting to do that. That's a lot easier than working together. That's a lot easier than, than sitting down for a couple hours, which is how long it took me to put a good matrix together and going through scenarios over and over and over again to make sure that people get what they want. We've got grandchildren to visit. We've got, you know, meetings to attend. We've got lobbyists to listen to. Like, I know that all of you feel very busy, but if you run for a leadership position, a lot of responsibility and trust comes with that. And one

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of the most dismaying things to me is that this trust and responsibility was taken for granted. It wasn't taken seriously.

**KELLY:** One minute.

**HUNT:** People with committee experience-- thank you, Mr. President. People with committee experience and folks who are very familiar with the process were completely ignored. And I think that everybody should be really embarrassed about that. Even at the end of the day, if you win the day and you get your way, but you do it like this, that's not good work. That's nothing to take home to your constituents or your caucus members, your fellow colleagues, and say, we really did right by you. We really did something good here. No, what you did is you took the process and you beat it over the head with a club because you have the power to use brute force to get your way instead of following process and precedent that, as Senator Conrad said, the rules say we are bound by. As Senator Conrad said, absent a rule governing, you know, the literal procedure that we do, in the absence of controlling-- we, we go to controlling custom, usage and precedent. In the Committee on Committees, in our caucuses, that never happened.

**KELLY:** That's time, Senator.

**HUNT:** And it's important that Nebraskans know that. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Linehan, you're recognized.

**LINEHAN:** Good morning, Mr. Speaker. Good morning, colleagues. I didn't engage in this on Friday. I was on Committee on Committees. And this whole discussion about Committee on Committees, nobody has explained to Nebraskans how it works. So we elect chairmen on the first day and whichever congressional district the chairman is from, we start with that number. So I'll use Revenue. I'm from District 2 so the next one is a three. Then we go, one, two, three, one, two, three-- and I think that's eight. And Committee on Committees this year, I think maybe since the first time I've been in the Legislature, actually followed that procedure because that is the most important part of what we do, how we do Committee on Committees, is making sure every part of the state has an opportunity to be involved on a committee. I don't think there's probably-- I haven't checked every historical record, but I bet if we go back and check, there has never been a time when the Appropriations Committee didn't have three members plus the chairman from each caucus, Congressional caucus. That's the first rule. And

this talk about we didn't follow procedure-- I, I'm not sure-- it's a lot of chatter going on but no names are being dropped here. The Education Committee, which someone did lose a seat on the Education Committee. I understand that. But the chairman changed. And when the chairman became from Congressional District 3, then the numbers change and Congressional District 2 only gets two seats. Everybody on that Education Committee has seniority for that seat. There is some precedent that if you run for chairmanship on a committee and you don't get it, you are dismissed from that committee. We didn't do that. We didn't do it last-- there wasn't one who left last year. I'm not particularly for that. Senator Lindstrom ran against me when I became chairman of Revenue. He is a great member of the Revenue Committee. I don't think that's necessary, but there is precedent for it. We could have done it. The other thing I just want to give a comment to before I run out of time, is Senator Hilgers isn't here this morning, but I'm going to stick up for him. He had every right to be in the caucus meeting. He was the Speaker of the Legislature until he resigned. He was a member of the first caucus. What, were we just supposed to ignore that caucus-- that person's opinion-- just let those 40,000 people not have a voice in Committee on Committees? This process was screwed up two years royally. That's why I wanted to be on Committee on Committees. Somehow, last Legislature, we ended up with four people from the First District on Education Committee, three from the Second District and only one from the Third District. Therefore, if we want to talk partisanship, instead of having what easily should have been a 4-4 committee, because if there had been another seat on there from the Third District they would have been a Republican, we ended up with a 5-3 committee. So how did that happen? There were-- I think this procedure-- there were a lot of work put into it, yes. There were a lot of conversations. There are three freshmen on the Appropriations Committee in this report. My first year, there were three freshmen put on Appropriations Committee: Senator Vargas, Senator McDonnell and Senator Wishart. There's no big surprise that we have freshmen on Appropriations or freshmen on a committee they wanted. I haven't gone through every committee over the last 20 years--

**KELLY:** One minute.

**LINEHAN:** One last thing before I sit down. There is no precedent for returning members getting on a committee of their-- they don't have seniority when they come in here when they've been here before. Senator Aguilar was chairman of Government Committee when he was here before. He came back, he wanted Government Committee, he didn't get

Government Committee. I can't remember, but I think Senator Flood, now Congressman Flood, wanted on Transportation. So did Senator Moser. Senator Moser got put on Transportation, not Senator Flood who had been here and had been Speaker. So this idea that there's some precedent that returning members bump members that have been here, it's just not true. Thank you, Mr. President.

**KELLY:** Thank you, Senator Linehan. Mr. Clerk, for additional new bills.

**ASSISTANT CLERK:** Thank you, Mr. President. LB159 by Senator McDonnell. It's a bill for an act relating to postsecondary education; to adopt the Fostering Independence Higher Education Grant Act. LB160, Senator McDonnell. It's a bill for an act relating to County Employees Retirement Act; change contribution rates relating to supplemental retirement plans for certain law enforcement personnel; and repeal the original sections. LB161 by Senator McDonnell. It's a bill for an act relating to the Workplace Privacy Act; to redefine terms; prohibit employers from taking certain actions; repeal the original sections. LB162 by Senator McDonnell. It's a bill for an act relating to crimes and offenses; to prohibit tampering with electronic monitoring device; define a term; provide a penalty; harmonize provisions; and repeal the original sections. LB163 by Senator McKinney. It's a bill for an act relating to criminal justice; change provisions relating to the possession of electronic communication devices; authorize possession of devices by certain officials and attorneys; prohibit cities, counties, and the state from receiving revenue for operation of the inmate telephone services and to provide requirements to require the department to pay minimum wage for work committed by offenders and require that such persons are subject to Wage and Hour Act; require collection of certain data upon admission of persons committed to the department; to provide for oversight of the department by the Judiciary Committee of the Legislature in the event of a prison overcrowding emergency or staffing shortage; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections. LB164 by Senator McKinney. It's a bill for an act relating to buildings; to adopt updates to building and energy codes; and to repeal the original sections. LB165 by Senator Geist. It's a bill for an act relating to the Nebraska Educational Savings Plan Trust; to include savings plans for elementary and secondary education in the Nebraska Educational Savings Plan Trust; to define, redefine terms; and repeal the original sections. LB166 by Senator Bostelman. It's a bill for an act relating to the Transportation Innovation Act; to change provisions relating to the required criteria and weighting

of the criteria for design-build, progressive design-build, construction manager-general contractor, public-private partnership proposals; harmonize provisions; and repeal the original sections. LB167 by Senator Slama. It's a bill for an act relating to criminal procedure; to provide requirements for deposition of certain children; harmonize provisions; repeal the original sections. LB168 by Senator Bostar. It's a bill for an act relating to gaming; to change provisions relating to sports wagering; provide for distribution of taxes collected from sports wagering on in-state collegiate sporting events to the Nebraska Opportunity Grant Fund as prescribed. LB169 by Senator Hunt. It's a bill for an act relating to discrimination; prohibit discrimination based on sexual orientation and gender identity as prescribed; define terms; harmonize provisions; repeal the original sections. LB170 by Senator McKinney. It's a bill for an act relating to the Nebraska Investment Finance Authority; to redefine terms; and repeal the original sections. LB171 Senator McKinney. It's a bill for an act relating to metropolitan utility districts; to change provisions relating to metropolitan utilities districts; to name the Metropolitan Utilities District Act; to eliminate obsolete provisions; harmonize provisions; provide a duty for the Revisor of Statutes; repeal the original sections. LB172 by Senator Bostar. It's a bill for an act relating to the State Electrical Act; amend section 81-2104; to adopt reference provisions by the National Electrical Code; and repeal the original sections. LB173 by Senator Bostar. It's a bill for an act relating to revenue and taxation; amend section 77-2733; change provisions relating to the taxation of nonresident income; provide an operative date; provide severability; and repeal the original sections. LB174 by Senator Dungan. It's a bill for an act relating to civil procedure; to change the statute of limitations on certain civil actions for sexual assault of a child; and to repeal the original sections. LB175 by Senator Dungan. It's a bill for an act relating to civil actions; to adopt the Residential Tenant Clean Slate Act; and provide an operative date. LB176 by Senator Dungan. It's a bill for an act relating to appropriations; to state intent regarding appropriations; and to declare an emergency. LB177 by Senator Erdman. It's a bill for an act relating to school funding; to adopt the My Student, My Choice Act; and provide an operative date. LB178 by Senator Erdman. It's a bill for an act relating to schools; to require display of the national motto; to authorize contributions; provide duties for the Attorney General. LB179 by Senator Fredrickson. It's a bill for an act relating to conversion therapy, to prohibit conversion therapy; provide for disciplinary sanctions under the Uniform Credentialing Act as prescribed; provide for a deceptive trade

practice; define terms; prohibit the use of funds for conversion therapy as prescribed; to harmonize provisions; and to repeal the original sections. LB180 by Senator Brandt. It's a bill for an act relating to revenue and taxation; to adopt the Nebraska Biodiesel Tax Credit Act; to harmonize provisions; and repeal the original sections. LB181 by Senator Hansen. It's a bill for an act relating to public health and welfare; provide for filling and refilling prescriptions in certain situations; to harmonize provisions; and repeal the original sections. That's all I have at this time, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Senator Albrecht, you're recognized.

**ALBRECHT:** Thank you, Mr. President. Good morning, colleagues. I rise today in opposition to recommit to committee and in support of the committee report on committees. You know, as I listened the last couple of days, it's important for people to be able to air their grievances on the floor for the public, for their constituency. But knowing that on that first day, when the rules say that we are to have a slate ready by the end of the day, the people that were caucus chairs from last year had to get together and start forming with the forms that they were asked by the senators to turn in. They needed to do that so that they could get started on-- every-- all three caucuses did something different. Senator Bostelman, I thought his was amazing. He had it all laid out. He knew exactly who wanted what and where they wanted to sit and worked tirelessly to make certain that his caucus was able to do what they needed to do on that first day to come together. Now, could the caucus members all get together at the same time? Sometimes not for the same reasons you all say. Everybody's busy, everybody's doing something, but they all had to be prepared that very first day. And again, the reason I ran is so that we would do things by the rules. We are going out-- a class of 18 will be going out, and we must be certain that the classes that come after us know the procedures that should be followed. Everyone's not going to be happy with where they sit. I mean, I look-- I asked this-- every caucus-- so I asked Senator Bostelman, what do you have going with your caucus? He showed me. What do you have going, Senator Linehan, with Caucus 2? And she showed me what they had going. And there were five forms that were not on the sheet that we were able to look at and decide whether we could go on and fill the seats the way they needed to be filled. The third caucus came well-prepared with all of their information. Again, you know, I think it's dis-- very disingenuous for Senator Hunt to say that she sat down in a couple of hours and fixed it all. Well, you know, we all, that very first day, we went committee by committee, the one, two, three system and filled what could be

filled on that day based on the information that we had. So, again, if you-- you can certainly for the public's theater or whatever you want to call it, you can continue to be upset, but we are doing what we were tasked to do. We were unanimous in putting out the first preliminary report. We took a voice vote-- voice-- voice vote. Thank you. And everyone agreed. It went to the floor and the next day we-- I asked you kindly to go see your caucus members. It's just not one person on that caucus is going to make a decision whether it's good for you to move or not. That obviously wasn't followed. And when those things don't happen the way they should for all of us-- and then we sat in here and we had a very busy second day. And as soon as we got out, we reconvened. I asked them again, you know, do we have any changes? Then everything got a little dicey. We broke, everybody figured out what they needed to do, who they needed to go talk to. When we reconvened, we voted for the preliminary report. We had a first. We didn't get a second. So the preliminary report was obviously going to be changed. So I'm asking, when they came back in and reconvened once again, what are the changes? The changes were worked out outside on a break. I sat in that room. I did not go out--

**KELLY:** One minute.

**ALBRECHT:** --and decided to help anybody determine whether they wanted to sit in one place or another. That is not my role. My role is to bring everything back because this is a procedure that is caucus driven. Whether somebody reported their form in on time or not in time, it doesn't help when we don't have it to know what your choices were. And I can't help that. I believe that this-- these three caucuses worked very diligently and with, with good conscience to do the right thing for the right people to put on the right committees. Yes, there were very-- few freshmen that didn't get at least one choice. But yeah, there were two or three that probably didn't get anything that they asked for. But, you know, when I came down here six years ago, I said, put me where you think you'd like me to sit. I've got a lot to learn. And you know what? Remember, we're doing this for Nebraskans. We're going to work on different committees. And I learned so much from the committees I've served on.

**KELLY:** That's time, Senator.

**ALBRECHT:** Thank you.

**KELLY:** Thank you, Senator Albrecht. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Mr. President. Again, good morning, colleagues. I continue to rise in support of the motion to recommit to committee. And again, my North Star in this is recognizing that our existing rules, Rule 2, Section 1(b) says, in the absence of a controlling rule, controlling custom, usage and precedent controls. And that's really at the, the heart of this debate, in addition to the fact that custom, precedent and tradition were not honored, but that we also have a committee assignment and a committee structure that doesn't have a thoughtful balance to ensure a better committee process and better legislation as we do the important work of Nebraskans. And I, I do have a rule proposal pending before the Rules Committee and will be bringing in a more robust amendment to the committee hearing itself to delineate some of these matters with more clarity, which clearly are more important than ever in the term limits dynamic so that we don't continue to have an abuse of precedent, usage and tradition and/or revisionist history. But I'd like to, to just respond to a couple of points and then get a little bit more information on the process on the record. And I'm going to confine my remarks to the first caucus because that's a member that-- that's a caucus that I belong to and want to talk about that and I'll leave it to others to talk about the business in their caucus. But as to Senator Linehan's point, my understanding in visiting with Senator Flood was that Revenue was his first committee assignment preference, and he, of course, was afforded that opportunity to have his first preference recognized. Additionally, seniority does matter in this body. Look at the seating chart, look at the office assignment procedures. Those are governed by seniority. And our committee process has historically been so as well by tradition, usage and custom. And if we need to, again, further refine and delineate that, we, we will have the opportunity to discuss that in the rules debate. I do want to also note that the comments from my friend Senator Albrecht and Speaker Arch, while of course we welcome all voices into this debate and every debate, they really weren't involved in our individual caucuses, so they really can't speak to an assessment about whether or not the process was fair or orderly in terms of both process and result. And I'm grateful for my friend Senator Moser for having an admission in last Friday's debate that, well, clearly, yes, clearly this was a partisan endeavor. So I appreciate the candor and the honesty from my member in the first caucus on the Committee on Committees. So with that, I see Senator Bostelman is on the floor and he was kind of leading the way for our caucus, so I'd like to ask him a few questions if he would so yield, please.



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**HANSEN:** Senator Bostelman, will you yield?

**BOSTELMAN:** Yes.

**CONRAD:** Thank you so much, Senator Bostelman. And I know we had a chance just to visit quickly last week about some of the process pieces. And again, I appreciate your outreach and dialogue during the caucus process as well. But you mentioned that you gathered the committee assignment or preference sheets, kind of created a matrix to try and start the dialogue. Can you tell me in that process, did you have any conversations about committee assignments with members of the executive branch?

**BOSTELMAN:** No.

**CONRAD:** Did you have any conversations about committee assignments with members of political parties?

**BOSTELMAN:** No.

**CONRAD:** Did you have any conversations about committee assignments with lobbyists?

**BOSTELMAN:** No. No.

**CONRAD:** OK. Thank you. And Senator--

**KELLY:** One minute.

**CONRAD:** Did you have-- thank you, Mr. President. Did you have any conversations about committee assignments with other members of other caucuses?

**BOSTELMAN:** You know, what we did on first caucus was the same thing that we've done the last four years with Committee on Committees. We had the-- each member was to provide their preference sheet. I took those and actually I put it into a manila envelope on the desk of my staff member. They went into that immediately when they came into the office. I came in-- I don't remember which day it was, I picked those up. I think that's the same day Senator Bostar's office called about those. I immediately gave everything to him that I had. We were short two, I believe, at that time. He received one from Senator Fredrickson and the other one we didn't have was one from himself. I took those myself trying to be organized [INAUDIBLE]

**HANSEN:** That's time, Senator.

**CONRAD:** Thank, thank you so much, Mr. President. Thank you very much to Senator Bostelman.

**HANSEN:** Thank you, Senator Conrad and Senator Bostelman. Senator Erdman, you are recognized.

**ERDMAN:** Thank you, Mr. President. You know, I used to sit beside Senator Clements, and if you'll look back here and see how that microphone, it's over my head. That's the way it always was when Senator Clements was done speaking. And then he would move it down to his belt buckle for me, but because my next-door neighbor this year is the same height, we don't have to mess with the microphone. That's good. So I want to make an announcement. But first, before I make my comments about the Committee on Committees, we've been working on getting the graph out on the rule changes. Significant number of rule changes this year compared to the past years that I've been on that committee. We have, in the near future, maybe by 11:00 have the final draft of the graph explaining which rules are going to be amended. We have a problem with putting together the written part of the rules because the documents came in in Google Docs; and when you copy and paste that to Word, you lose all the underlining and highlighting. And so we're trying to figure out how to make that transition. So we'll get those to you later today as well, but I just wanted to let you know that the graph showing what rule changes have been submitted will be out soon and so I appreciate that. The hearing will be tomorrow at 1:30 in, in 1525. So now let me speak briefly about Committee on Committees. I've been on that committee for six years, and the first year when I arrived, our committee had a preference sheet. I did not fill one out. And when we came to the committee meeting that very first day, they asked why I did not fill out a committee preference. And I said, I believe that I should serve where I am needed or where there is a short-- a space to be filled, whatever committee that is, that's what I'll do. And then after they made the assignment, I thought that wasn't a very wise statement. They put me on HHS and Education. While looking back at it, I do believe that those were very beneficial committees for me to understand and so I appreciated serving there. At the end of the first two years, the question was asked again at the Committee on Committees for my preference, and I said, I don't have a preference where you think I should serve. And the majority of the committee said, all of them in fact, said you should go to Appropriations. So I went to Appropriations. Now, none of those three committees were my choice. I decided that whatever was

best for the body or whatever was best to fill in the senator's seat that needed to be filled, that was me. And that's what I did. And I don't know what all the whining and crying about is about I didn't get my preference or I got to be on this committee or that committee. We should all be working as a team. We should be working as a team to make this state better. And so if you're assigned to a committee that you didn't necessarily want to serve on, go to the committee, do your job, do your due diligence, get involved and do what is called of you to do. And so we're going to whine about this Committee on Committees assignments for who knows how long and we're going to vote. And what we're going to do is we're going to approve the report from the committee. That's what's going to happen. And so we're going to talk about all of these things that we've been speaking about this morning and Friday. And in the end, we're going to vote and it's going to be approved. So I have a suggestion. Let's turn our lights off and let's vote. Let's move on and let's do some things that really count. Thank you.

**HANSEN:** Thank you, Senator Erdman. Senator Walz, you're recognized.

**WALZ:** Thank you, Mr. President. Good morning, colleagues. I rise in support of the motion to recommit the report to the Committee on Committees. This morning, I, like Senator Linehan, would like to speak to the people who live in Nebraska. But before I do, I'd like to first make it clear that if you know me, you know that I am really not a political person. I believe I was, I believe I was elected to be a representative to my constituents and to the majority of Nebraskans. I don't put my party or any person above what I believe is right and what is in the best interest for the majority of Nebraskans. So for me, this is an important conversation. We are so fortunate to live in a state where every introduced piece of legislation gets a hearing, a chance for the public to come and talk to their elected officials about why a bill is important to them. Nebraska, the committee process is one of the most important aspects of what we do in the Legislature. It is the most impactful or it should be the most impactful opportunity for Nebraskans to come and share their opinions on the legislation that we have brought forward. It is your chance to tell us as senators the real consequences our bill could have on you, whether they're positive or negative. The work that we do is life changing for thousands of individuals across the state. And I can't tell you how many times I've heard from constituents in a hearing that a bill will help them improve their lives, or how many times I've heard constituents in a hearing that a bill could destroy their business or make them unable to provide for their families. Our constituents,

Nebraskans, you travel sometimes hundreds of miles, often taking time off for work and away from your families to come to the Capitol and share your stories and take part in the political process. It is your opportunity to use your voice. So by building committees, manipulating committees in hopes of ensuring predetermined outcomes, we strip you, Nebraskans, of having an impact in the committee process. If senators on committees have predetermined outcomes on issues instead of listening with an open mind, we are doing a great disservice to you. It means the outcomes of the bills that are important to you are already decided before you even walk in the doors of the Capitol. Committees are meant to be where we learn about our bills and we adapt them to be-- to suit the need of the people. Many people often call the citizens of Nebraska our second house. Committee hearings are where the second house can convene to ensure that their voice is heard. We need to ask ourselves, can we honestly say that when Nebraskans are coming to the Capitol, they think, I am being heard. They can be assured that they are being heard.

**HANSEN:** One minute.

**WALZ:** These committees should be recommitted to give the people of Nebraska, not me, not the other senators, but the people of Nebraska a fair chance, to give them the opportunity to have their voices heard. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Walz. Senator Blood, you are recognized.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand again in support to recommit the report back to the committee. And, Senator Walz, you should drop the mike on that one. That was very good. I quickly want to address a statement made by Senator Linehan. I agree that the district that Senator Hilgers representative-- represents or represented should have been represented in our caucus meeting. That was never the discussion. We encouraged them to wait until somebody was appointed in his position so the actual person that was representing that body was there to make a vote. But we were told that we were not allowed to wait. We were strong armed. I want that very clear. So I don't disagree with you, Senator Linehan. I disagree with what happened and how it happened. So I go back to Friday and I think about how Senator Arch, Speaker Arch said that he had hoped that this would be all resolved by Monday. And it kind of made me think of when I was a kid and I would fight with my siblings and we would fight hard and my dad would always say, all right, knock it off and hug it out, which might sound like a great thing to do. You know, you guys

are fighting, give each other a hug. But you know what it does? You never resolve the issue. You never learn how to work things out. You just hate each other more, dislike each other more, disagree more. I kind of feel we're hugging it out right now. We aren't learning how to resolve an issue. Instead, we're digging in our heels. This is not what everybody pontificated about last week when they gave all their speeches about bipartisanship and working together. And you know, smart leaders, if we're really talking about smart leaderships, they leave room for those affected by change to make a choice. You guys aren't going to lose face by sending this back. You don't lose anything. You lose nothing. You instead are going to build trust when you honor the concerns of others. You're going to build a stronger body when you address the concerns of others. Instead, we're right back where we left off the last biennium. Us versus them. I mean, there is a bill to make it into two houses, and I'm sure the taxpayers are going to love paying twice as many people. Not that we get paid a lot, but we'll see how that works out. Unless maybe they're going to instead take us from what, the 48th worst, worst paid people to number 50, I don't know. And then Senator Erdman talks about whining and complaining. I've not heard anybody whine and complain. I've heard people express their truth. You know, Senator Erdman, you and I get along quite well. We don't agree a lot, but we get along fine. But I don't know if you realize that a lot of the words you throw out into the universe are actually quite insulting. I mean, last year when I raised my voice, you said I was using my cheerleader voice. But, you know, when a gentleman uses their voice, they call it the football voice, a little misogynist, a little sexist. Everybody has the right to say whatever they like, like it or not. I'm not going to not push my button. I think we're fighting a fight that doesn't need to be fought. What do you have to lose by sending it back and tweaking it? Nothing. And if it's about process, the process didn't work this time. And for Nebraskans--

**HANSEN:** One minute.

**BLOOD:** --also what term limits now brings. We lose people with institutional knowledge. We bring in partisanship. We give lobbyists more power. We give special interests more power. And then when we have something as simple as this is, fixing a wrong, people are allowed to dig in their heels, strong arm each other, and never really fix the problem. If we're here to be leaders, let's lead. Part of leading is working together, crossing the aisle, fixing the problem. This problem hasn't been fixed, friends. What do you got to lose? It's going to be a long day. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Blood. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. I came in today with a lot of different things to say and then listening to other people's comments and, and takes on what happened gives me a lot of other thoughts. So I do want to respond to some of the things my colleagues have said. You know, Senator Linehan talked about how we did follow the process and then she explained, we follow the process by whoever is elected to be the committee chair, say, if they're in the first congress-- or the First Congressional District, then we follow filling in the committee in numerical order. So the chair is first district, the next placement is second, the third is third, then we go back to the first, etcetera. Yes, yes, yes. We followed that process. That would be extremely weird if we didn't follow that process. I think we, we would even have registered Republicans up in arms if we didn't follow that process. Nothing Senator Linehan talked about in defense of following the process has anything to do with what anybody is taking issue with. People are misunderstanding the problem. It's not that committee make-up is slanted one way or the other politically. No problem. That's fine. That happens. It's not that people didn't get their first, second, third choice. They didn't get their favorite little way. No problem. That happens. The problem here is that we have been inconsistent with the way that we follow procedure. And the reason I'm so strident about this, the reason I'm crying and whining and moaning, as Senator Erdman would put it, is because without respecting process or rules, if we allow the majority to just steamroll because they can, not even because they need to in order to get their way, but just because they can for extracurricular fun, then we're going to keep repeating these issues and these problems throughout this entire session. We got off on a really bad foot, and in my congressional district we got off on a bad foot. The way that we got 50-50 Democratic-Republican representation on our Committee on Committees is because a majority of our senior members decided to do it that way without talking to anybody else in the caucus. That's also a break from precedent. Normally, this is done by seniority, based on qualifications and experience and then also third, frankly, based on who can get the votes to be on Committee on Committees, just like any other leadership position, we have to whip our votes up. We have to ask our colleagues to support us. We have to ask them to trust us with that type of leadership and responsibility. It's not normally determined by senior members who come to an agreement, who perhaps make a deal. So really, from the very beginning of this whole process, it was clear to see down the entire line that it was going to be a

bald-faced partisan exercise. And so, you know, to hear Senator Albrecht say-- you know, she opened her comments by saying all three caucuses do something different. Well, then that's why I don't know why she was in the newspaper saying that in CD 2 we turned in our committee sheets late, our preference sheets late. No, we didn't. Nobody was late in our CD and I feel like one side is, like, very obsessed with this point that actually has nothing to do with the problem. So it troubles me that people are listening to these comments being made and believing it and thinking, oh, well, that's a good point. You know, people shouldn't turn in their sheets late. Nothing like that happened. It's a distraction from the steamrolling that one side is doing that, by the way, they don't need to do to get their way. Senator Jen Day was kicked off of her committee, not because there was no other way, but because they wanted her off that committee. We found a way-- you know, the issue was that Senator Justin Wayne wanted to be on the Education Committee. Their argument was that he has seniority over Senator Day, which is true, but she is an incumbent on that committee, which traditionally is the first, you know, line of precedent--

**HANSEN:** One minute.

**HUNT:** Thank you, Mr. President. --the first line of precedent that we defend-- it's incumbency, then seniority, then preference. And the reason Senator Day was kicked off her committee was because my colleagues on the Committee on Committees, which was devised by the senior members of our caucus, didn't want her on there. There was a way to keep Senator Day on her committee and to get Senator Wayne on there, too. We could have had it that way. That's what the matrix we worked out says. And I also, you know, I'm not an "offensive" person, but like, yes, Senator Albrecht, I did put this together in a few hours. I actually know how to do this. I did put this together in a few hours. And it was easy for me, actually, because I think about this stuff a lot. I guess my brain-- you know, I'm not, I'm not a smart person. I get that a lot. And I agree with a lot of people who say that, but like this I can do. Finally, Senator Erdman should save his comments about crying and moaning and complaining to when we get--

**HANSEN:** That's time, Senator.

**HUNT:** --to a bill about consumption tax. Thank you.

**HANSEN:** Thank you, Senator Hunt. Senator Vargas, you are recognized. Oh, I'm sorry, Senator Day.

**DAY:** Thank you, Mr. President. Good morning, colleagues. I rise in support of the motion to recommit. I wanted to make a few comments, as it has been mentioned on the floor what happened with the Education Committee which I was previously on, and what happened to my spot on the Education Committee. But before I do that, I want to address the idea that this is about preferences or we're whining and complaining about not getting our first choice and it has absolutely nothing to do with that. It has to do with the fact that when we disagree about something, we fall back on the rules. We fall back on precedent. We fall back on the norms of the institution to resolve our disagreement. And instead of falling back on the rules and on precedent and the norms, certain people on Committee on Committees steamrolled their way into getting what they want. And that's a problem for everyone in this body and it's a problem for everyone in this state for the reasons that Senator Walz mentioned earlier on the mike in terms of watering down the testimony of your own constituents, of eliminating the voice of the people in the process of selecting bills that get out of committee and advanced for full debate. I want everybody to understand this has nothing to do with not getting your first choice and crying like a baby. As I mentioned on Friday, I have a job to do and it doesn't matter what committees you put me on, I'm going to do my job. Senator Linehan mentioned and Senator Hunt also mentioned me getting kicked off the Education Committee. She mentioned-- excuse me, Senator Linehan mentioned the process in terms of CD 2 losing a seat on that committee. That is correct. Last session there was three of us from the second caucus that were on the Education Committee. It was Senator McKinney, myself and Senator Linehan. Senator McKinney moved off the Education Committee because he moved on to be chairman of the Urban Affairs Committee so that would have vacated his seat based on the schedule that we have-- committees-- for committees because they meet on the same day as the Education Committee. So his seat was automatically given up. That left the two incumbent members on the Education Committee would have been myself and Senator Linehan. Senator Linehan was given her seat back on the committee. My seat was given to another member of my caucus. My incumbency on the committee was not taken into account when the decision was made on who was going to fill the second seat available from the second caucus. Would Senator Linehan yield to a question?

**HANSEN:** Senator Linehan, would you yield?

**LINEHAN:** Yes.



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**DAY:** Thank you, Senator Linehan. So you understand what I mentioned in terms of my seat being given away to another member of the second caucus.

**LINEHAN:** Another member who had seniority over your seniority.

**DAY:** So-- but we understand that incumbency is preferred before seniority in the process of selecting committee membership.

**LINEHAN:** Well, that seems to be like many of the things we're talking about, depends on the circumstances because at my first caucus meeting, a member of the Executive Committee was removed by the caucus with another member who had the same seniority so I think it depends on the circumstances. Generally, seniority rules.

**DAY:** Were-- generally, that's not true, when you know that--

**HANSEN:** One minute.

**DAY:** --just as well as I do.

**LINEHAN:** No, I don't,

**DAY:** Was there, was there, was there--

**LINEHAN:** --Senator Day.

**DAY:** Excuse me. Excuse me.

**LINEHAN:** I do not-- no, that's not true.

**DAY:** Senator, this is-- Senator, this is my time. Were you--

**LINEHAN:** But you just said I was--

**DAY:** Were you-- Senator, this is my time.

**LINEHAN:** You just said I was--

**DAY:** Senator, this is my time. Can I get a gavel, please? Thank you. Were you presented with any options to put me back on my committee that I had incumbency on?

**LINEHAN:** Yes, I was. It was to trade a District 3 seat. I went to the Third District caucus. Since they didn't have only one for the last two years, they were in no mood to give up one of their seats,

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especially when what-- Governor Pillen's-- first time I said it. Governor Pillen has talked about school finance and all the things we're going to do in Education. Third District, who lived for two years with only one representative on the Education Committee, was not agreeable to giving up a seat.

**HANSEN:** That's time, Senator.

**DAY:** Thank you. Thank you, Senator Linehan.

**HANSEN:** Thank you, Senator Day and Senator Linehan. Senator Vargas, you are recognized.

**VARGAS:** Thank you. You almost skipped over me last time. So I, I want to weigh in here on a couple of things. I serve on Committee on Committees. And-- and for people that are new in this-- you know, a lot of people have opinions or adjectives on how-- on why this is good or why this is bad. As far as I'm concerned, if we're having a conversation about it and individuals are sharing their concerns on this and it doesn't matter if you're Democrat or Republican, that means that even though we've had the process, that it is not meeting the needs of everybody. And it is incumbent on the public to be educated on that. It's also incumbent on every other members to be educated on that because it is not so black and white. It is not so cut and dry. So there's a couple of things I want to respond to. And I have-- it's kind of similar to what Senator Hunt said. I, I'm reacting to things. I'm trying not to react to too many things. One, process really does matter. And part of the reason process matters is because it avoids a lot of what we've been hearing back and forth here for different members. It feels-- if it feels unfair when it disagrees with what we've typically done, it-- that is what, I think, a symptom of what we're hearing right now. And even though in the room I've disagreed with some of my colleagues, even within my CD 2 caucus, I did vote this out. I had this conversation with, with Senator Dungan on the side. I'm like, look, I voted it out because I, I worked within the process. That's just a "me" thing. But I still disagree with a lot of things that we did and did not do. And that's OK to be able for me to share here. It's OK for the public to know. It's also OK for my colleagues to know. We tend to honor, and process matters, we tend to honor incumbency, we tend to honor seniority. It is not a perfect system. But look, the things that we have work-- for many of you who've got into office, for some of you, you're in a new desk. We don't kick people off of wherever they're sitting or their office. There's a set of, of these rules that we've operated with that present

this level of goodwill. That's the reason why we don't kick people off committees usually. We recognize seniority in the same way when some people come back or some people haven't. That is something that we have typically done. And the evidence I can give you is even when Senator Chambers came back onto the CD 2 caucus, we recognized his seniority. We didn't just give him things in terms of leadership positions. I never voted for anybody because they're just an incumbent. I did want to vote for people that represented us, either for Executive Board or Committee on Committees, because of either their views or representation, their advocacy. But in committee assignments, we've honored this incumbency, years of experience and their preferences. The problem here that I find and where I've lost in the committee-- we lost. Like, I made arguments. We lost on things that when the public hears them, they're hard to swallow. We don't always put people on committees because of their freshman years of experience. We just don't. And I can say that because I got on as a freshman on Appropriations, but it was because somebody gave up their spot. It wasn't because we just put them on. And even the two years later, we had no spots available on Appropriations. We were not able to put anybody there. You know, and here's the positive thing: we have two members that expressed interest in being on Appropriations. I very much look forward to working with Senator Armendariz and I look forward to working with all my new committee members. We did have somebody that had more years of experience, not on the committee, that expressed preference as their first choice versus somebody with no years of experience in the Legislature that's a freshman and we chose the freshmen over somebody with two years of experience in my caucus. We also had an instance where a freshman representative got their first choice of being on Government, that's Senator Holdcroft. Again, has experience in government and military affairs and then ended up trading that position--

**HANSEN:** One minute.

**VARGAS:** --to serve on Judiciary, which was his fourth choice. There was a senior member with two years of experience in our caucus that had their first choice for Government, and he didn't get that over somebody with no years of experience that got Government as first choice. There are clearly differences in what we were able to accomplish even within our CD 2. And I'll tell you, we lost that fight, but that just shows you that the process that people are feeling that it's not fair, that is OK. That is valid. Your people are allowed to have that feeling because it clearly didn't work out. We have to right that wrong. It's not going to happen at this point in

this juncture and I'm not advocating for you to, to vote yes. In two years and four years, we all as members, independently, get to right that wrong no matter what. And that's speaking as somebody that tried to advocate for every single Democrat or Republican to get their first, second choice as much as possible, honoring these rules, well--honoring our traditions and our process.

**HANSEN:** That's time, Senator.

**VARGAS:** Thank you very much.

**HANSEN:** Thank you, Senator Vargas. Senator Cavanaugh, Machaela Cavanaugh, you are recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I am going to ask Senator Linehan to yield to a question, but I will speak for a moment. I'm just giving her a heads up so she can get time to her desk. So I'll tell you a little story from this weekend. I went to this store in Omaha where you have to bring a quarter for your shopping cart. And you go up, outside, with your quarter and you put it in and that's how you get your shopping cart. And then when you're all done, you take your groceries to your car, etcetera. You go back up to put your shopping cart back and you put this little latch in and you get your quarter back. But if you're walking up with an empty cart and somebody else is walking up at the same time, oftentimes you will see in the parking lot, people exchange a quarter for a cart so that you don't have to go all the way back up and they don't have to go through the rigamarole. And when I was doing that this weekend and I gave my cart to a woman who had a baby so she didn't have to like, you know, go through the whole rigamarole, I thought, well, this is just a norm. This is just a norm that we all do when we're at the grocery store. Total strangers, don't know any of these people, exchanging a quarter for a cart. I'll get back to that in a minute because I believe Senator Linehan is available. Senator Linehan, would you yield to a question?

**HANSEN:** Senator Linehan, would you yield?

**LINEHAN:** Yes.

**M. CAVANAUGH:** Thank you. Sorry, we're directly behind each other now. But I have some-- I would like to follow up on some questions that Senator Conrad had asked of her caucus. When going through our caucus

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decisions, did you talk about how our caucus'-- our seats in our caucus would be with other caucuses?

**LINEHAN:** OK. I'm sorry. Can you repeat the question? I'm sorry.

**M. CAVANAUGH:** Prior to deciding in Committee on Committees, did you have outside discussions with other caucuses about who was going to go on what spots?

**LINEHAN:** Yes.

**M. CAVANAUGH:** And what was the reason for those and who was involved in those conversations?

**LINEHAN:** Because I've been here six years. I have a lot of friends here and I've talked all summer about who wanted to be where, as I've done since I've been in the Legislature.

**M. CAVANAUGH:** I mean, with the, the caucus members themselves, with Senator Bostelman and Senator Moser and Sanders and Bostar and--

**LINEHAN:** Well, they didn't even get elected until-- I don't know.

**M. CAVANAUGH:** That's-- yes. I'm asking if you had conversations with them.

**LINEHAN:** Did we have conversations? I can't remember. I mean, I've had several conversations with members all summer.

**M. CAVANAUGH:** And so the-- I'm talking about really, December after people were elected, not during the summertime.

**LINEHAN:** Well, in December, for two weeks in December, I was staying with a friend and couldn't have any meetings. I'm not saying I didn't have any phone calls.

**M. CAVANAUGH:** OK. Did you talk with anyone who is in the current or the outgoing executive branch about how our committees were going to be assigned for our caucus?

**LINEHAN:** No.

**M. CAVANAUGH:** Did you have any conversations with any lobbyists?

**LINEHAN:** No.

**M. CAVANAUGH:** OK.

**LINEHAN:** That's one thing-- I've never, ever had a lobbyist ever try to get involved in our committees.

**M. CAVANAUGH:** Thank you. I just wanted to ask those questions for consistency. I have one more question. Why did you not put me on my first choice?

**LINEHAN:** There was-- I don't-- do we really want to go here?

**M. CAVANAUGH:** Yes, I do because there--

**LINEHAN:** OK, So on Tuesday night--

**M. CAVANAUGH:** I know that--

**LINEHAN:** OK, I'm just asking. On Tuesday night-- I think it was a Tuesday night, whenever we met as a whole group, Senator Vargas and Senator Wayne and I basically ran the caucus. Almost everybody turned in their caucus sheets except two people.

**M. CAVANAUGH:** Yes.

**LINEHAN:** If my memory serves me correct.

**M. CAVANAUGH:** And I tried to speak to you about before I turned in my caucus sheet.

**LINEHAN:** Right. And--

**HANSEN:** One minute.

**LINEHAN:** I was, as you know, since we met each other at the zoo with a boatload of kids--

**M. CAVANAUGH:** Yes.

**LINEHAN:** --did not return that phone call right away.

**M. CAVANAUGH:** Yes, I appreciate that.

**LINEHAN:** But I was concerned about why-- when everybody else's sheets had been turned in so you could go through and basically see where you could go, I didn't think that was fair to the people that turned--

**M. CAVANAUGH:** OK. Thank you.

**LINEHAN:** --their sheets in the night we all met.

**M. CAVANAUGH:** I just-- I'm going to speak to this because I only have less than a minute. So I did try to speak to you about it. The reason I tried to speak to you about it was that I didn't want to put down Appropriations and give up my seat on HHS without knowing what the intention was for HHS, because I knew that that was a position that a lot of people wanted and it's a very difficult position. And I wanted to make sure that, first of all, that it was put-- that the right people were put onto that committee and so I wanted to have that conversation with you. And second of all--

**HANSEN:** That's time, Senator.

**M. CAVANAUGH:** Thank you.

**HANSEN:** Thank you, Senator Machaela Cavanaugh and Senator Linehan. Senator Conrad, you are recognized.

**CONRAD:** Thank you so much, Mr. President. And thank you again, colleagues, for an opportunity to continue this important discussion. Because again, it's critical because it's governed by a rule. See Rule 2, Section 2(b) that-- or I'm sorry. Rule 2, Section 1(b), not Section 2, that requires custom, tradition and precedent be followed when a matter is not specifically governed by our existing rules. And so that's the matter at hand. And I know that we're all bringing our best intentions to this work and that during floor debate that sometimes it's easy to kind of get lost with some of the different questions. But I do want to point out the apparent inconsistency where at the first time at the mike, Senator Linehan said sen-- seniority doesn't really matter. It's, it's never really applied. It's, it's not really an issue. And then in her exchange with my friend Senator Day, the I think exact quote was "seniority rules." So that goes to show you how it can be, I think, a bit confusing in understanding how to apply things like seniority. So is Senator Bostar available? He's a member of our caucus Committee on Committees. I'd like to ask him some questions, please, if he'd so yield. OK. In the absence thereof, I continue my dialogue with Senator Bostelman if he would so yield?

**HANSEN:** Senator Bostelman, will you yield?

**BOSTELMAN:** Yes.

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**CONRAD:** Thank you so much, Senator Bostelman. And you're such a good sport. I know that you will probably be having other conversations this morning, but I wanted to have an opportunity for you to help me and others understand. How do you define seniority?

**BOSTELMAN:** How do I define what?

**CONRAD:** Seniority.

**BOSTELMAN:** As far as this body?

**CONRAD:** Yes.

**BOSTELMAN:** In what context?

**CONRAD:** Yes, in the context of the Nebraska Legislature.

**BOSTELMAN:** So we have "those who come in each year" group and the "returning."

**CONRAD:** OK, So how, when balancing considerations like seniority, how do you calculate seniority for individual members?

**BOSTELMAN:** With respect to the Committee on Committees selections or I-- I look at-- when I look at that, I look at everybody's-- who they are and, and what, what they bring to those committees.

**CONRAD:** OK.

**BOSTELMAN:** And how they may perform within those committees.

**CONRAD:** OK.

**BOSTELMAN:** I don't necessarily rank one person ahead of the others. I try to look at all of the preference sheets and try to give as many people a preference as what we can, and that's what we did.

**CONRAD:** OK. So without providing a definition of seniority or how it's applied in this context, your primary consideration I'm hearing, was the preference sheets. I think we did have a robust dialogue during our caucus meeting where we asked those running for Committee on Committees what factors they would consider in seeking those positions and making those committee assignments. And I don't think it's transcribed, but I think each member that ran for those speech-- those thoughts talked about, for example, balancing seniority, geography, incumbency, preferences, those kinds of matters. Would you agree,



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Senator Bostelman, that that's a generalized assessment of what we discussed at the caucus meeting?

**BOSTELMAN:** I believe what we talked about was looking at those who-- there was questions along those lines.

**CONRAD:** Yes.

**BOSTELMAN:** Yes there was and each person answered those--

**HANSEN:** One minute.

**BOSTELMAN:** --differently, I think. And my response, as I believe, to those as we look at those positions of those who look at their preferences and look at what their backgrounds or what they have bringing to those committees and make a decision from there.

**CONRAD:** Very good. And just a final question in our tight few seconds remaining, Senator Bostelman. When you created the matrix, primarily based on, what it sounds like, individual member preferences, when exactly was that provided to the other Committee on Committees members for our caucus?

**BOSTELMAN:** I think all at the same time.

**CONRAD:** All at the same time? And roughly, not exactly, when that was but--

**BOSTELMAN:** About the same day.

**CONRAD:** About the same day? A couple of weeks before session maybe?

**BOSTELMAN:** Preference sheets were given out were-- come in a couple of weeks before.

**CONRAD:** OK.

**BOSTELMAN:** Everybody got all the preference sheets all at the same time.

**CONRAD:** Very good. And then what was the next steps after that matrix was provided? Were there any changes made with the caucus representatives from your initial assignments?

**BOSTELMAN:** So there was no matrix made then.

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**HANSEN:** That's time, Senator.

**CONRAD:** OK. Thanks, Senator Bostelman. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Conrad and Senator Bostelman. And Senator Conrad, that was your third and final opportunity to speak. Mr. Speaker for an announcement.

**ARCH:** Thank you, Mr. President. I just want to let people know what my intention is for scheduling today. And my intention is to keep the Legislature in session through the lunch hour and possibly beyond to resolve this. I feel like we're coming to some closure here. And, and we do need to resolve and, and move on. But-- so I apologize. We-- but we, we need to keep going through the lunch hour so just wanted to let you know. Thank you.

**HANSEN:** Thank you, Mr. Speaker. Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Getting a hot mike, I guess. I just want to follow on what the Speaker just said. The cafeteria is open. For those of you who are new, that's a big deal. We have food in the building. And I would like to point out that I think this is as a result of the work of the Agriculture Committee during the interim. Chairman Halloran took it upon himself, with Vice Chair Brandt, to write a letter and got the whole committee to sign on and we sent it and now there is food in the cafeteria. So if you want to sneak away and grab something while we're still debating, I think that's available to you. I say that for two reasons. One, it was mentioned to me that we should make sure we support it. And two, I served on the Agriculture Committee for two years. And it was actually one of my choices, my preferences last time and I think it was the only preference I got. And I got on the Agriculture Committee and I enjoyed my work there for those two years, working with Chairman Halloran, learning from him and from Senator Brandt and others on the committee, and took that opportunity to be outside of my comfort zone and my, I guess, sphere of expertise. And I think-- I hope I brought some value to that committee in that capacity, in that balance. And I can't remember who it was this morning that said, I think it's important that you have a geographic balance to these committees for those sorts of reasons. You want to have an interest balance in all of those and those are considerations outside of party and things of the value that we bring to the committees. And I also understand the desire to find the right folks to fit into these committees. And, and it is a very

difficult, complex procedure. I appreciated Senator Conrad's comments earlier. And it was actually a comment-- I spent some of the time over the weekend looking at the rules, and I saw that same rule that she mentioned, which is that in absence of controlling rule, this is Section-- Rule 2, Section 1(b)-- in absence of a controlling rule to cover a specific situation and in absence of controlling custom, usage and/or precedent, the, the presiding officer may utilize Mason's Manual. So then, of course, I purchased a Mason's Manual that I haven't received yet, so you will all derive the benefit of that at some point in time. But we have specifically in our rules the requirement that we secondarily, after the written rules, we go to custom and usage. And Senator Conrad has done, I think, a decent job of pointing out the places in which we have relied upon that seniority in making lots of decisions. And historically, it would be folly to say we had not relied on seniority in committee assignments. We have always fallen back on that. When you have two people asking for the same thing, you are going to-- we have historically defaulted to the person who is more senior. Maybe you would, you would default to the person who's less senior if it's a higher request; but when all things being equal, seniority does rule when it comes to these sorts of things. But nowhere in the rules does it say that we should rely or look to partisan balance or making sure that one, one party has more control than the other. Senator-- my friend Senator Erdman and I were just having a nice conversation about the places in the rules where it does mention partisan balance and it mentions it in the Redistricting Committee. And Senator Erdman, I believe, has a rule proposal to strike partisan labels or requirements from the Redistricting Committee. And as I was telling him briefly, because we got dis-- well, I had to come up here and speak, but the reason we have that requirement in the rule for redistricting-- and it doesn't say how many of one or the other. It says--

**HANSEN:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. --no more than five, I think, members can be of one party. And the reason for that is that it's, it, it is a contemplation of the fact that partisan politics do worm their way into this nonpartisan body and that, that infection can cause problems for the important work that we're doing and that redistricting itself is so politically charged that it requires this statement that we can't have one party overly dominate over the other because that, that will lend itself to corruption. And so that's why that rule is in there. We don't trust previous Legislatures who have put this rule in when we continue to adopt it as-- we are saying, this

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is so important that we need to make sure that it has an appropriate balance. In all other manners of this Legislature, we trust ourselves, we trust future Legislatures that we will continue to pursue the nonpartisan nature of this Legislature. We will make sure that the considerations of who goes on what committee is not a partisan--

**KELLY:** That's time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Moser.

**MOSER:** Question.

**KELLY:** Question has been called. Do I see five hands? I do. The question is shall debate cease? All those in favor vote aye; all those opposed, nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed, nay. Senators, please check in. Mr. Clerk, please record.

**ASSISTANT CLERK:** 34 ayes, 3 nays, Mr. President.

**KELLY:** Members, the house is under call. Please record your presence. All those unexcused members outside the Chamber please return to the Chamber. The house is under call. Senator Wishart, Senator Raybould, Senator Armendariz, Senator McDonnell would you please return? The house is under call. Senator Armendariz, would you please return to the Chamber? The house is under call. All unexcused members are now present. The question before the body is to call the question. All those in favor vote aye; all those opposed vote nay. Roll call vote has been requested. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting

yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 32 ayes, 15 nays, Mr. President.

**KELLY:** Debate does decrease [SIC]. Senator Machaela Cavanaugh, you're recognized to close on your motion.

**M. CAVANAUGH:** Thank you, Mr. President. I have 5 minutes, correct?

**KELLY:** That's correct.

**M. CAVANAUGH:** Thank you. Colleagues, I-- we're getting a real rules lesson this morning. So for those of you that are new, when you put the house under call, which any senator can request a house under call at any moment in time, that means you can't leave your seat. So I apologize if anybody has to go to the restroom. The call can be lifted now, if the president wants to lift it. It's up to them when-- how long to keep the house under call. Some of you will recall that former Lieutenant Governor Mike Foley kept the house under call for two hours last year and-- while we discussed the institution, actually, of all things. So I am probably going to pull this motion and just move on. We won't go to a vote on my motion to commit Committee on Committees, to recommit it. But I did want to follow up on the conversation that I was having with Senator Linehan about the timeline of me putting forth my sheet because I did-- we met on the 19th, the evening of the 19th, I believe, and-- in December, voted on our caucus members and then everybody dispersed for the holidays. On December 26, I sent Senator Linehan a message, I hope you had a wonderful Christmas with your family. Sorry to bother you the day after Christmas, but I'm being asked to submit my committee preferences and I wanted to speak with you before I put anything down. Would you have time for a quick chat? And we played phone tag from there. And when I finally couldn't, we couldn't connect, I submitted my committee preference sheet without actually speaking to Senator Linehan, which was my desire, my intent, and it is in writing and she is aware of that. So the fact that I wouldn't get my committee selection because I didn't submit my sheet in a timely manner seems like, well, weak sauce of a reason, is the best I can come up with. So I'm going to leave that there for now. And

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I still have times on the underlying motion to approve the committee report. So I will continue my conversation about this on the underlying report. Thank you, and I withdraw my motion.

**KELLY:** Thank you, Senator Cavanaugh. It's withdrawn. I raise the call. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Hunt would move to recommit the Committee on Committee's report to committee.

**KELLY:** Senator Hunt, you're recognized to open on your motion.

**HUNT:** Mr.-- thank you, Mr. Lieutenant Governor. That's what's so frustrating, is if you listen to what Senator Machaela Cavanaugh just said, ostensibly the, the linchpin of the argument of the people who want to rush this report through to be approved, who want to say that the process was all on the up and up and we have no notes about anything that happened, is this idea that there are members of my caucus that didn't turn in their sheets on time. You know, Senator Albrecht even said that in the newspaper. So there's people all over Nebraska reading the newspaper, going oh, this must be true, that, that there were members who didn't submit their preferences on time and therefore, you know, forfeited any kind of right to be involved in the process. This also is, once again, a lot of these arguments kind of moving past each other. If you're going to get hung up on-- you know, everybody from our caucus to the chairperson of the Committee on Committees to members of the Committee on Committees were happy at every opportunity to get hung up on a little detail of process that they suddenly cared about when they didn't care about any process before. Oh, Senator Machaela Cavanaugh's sheet was late. No, it wasn't. Well, I didn't see it. Well, you're not in our caucus, so you actually don't get to see it. Or people wanting to make trades after we put out our preliminary report. Well, we said that they could make trades, but we said they had to talk to their caucus. They did talk to their caucus. Yes, but they didn't sit down and talk to all four members of the caucus individually. Like, moving the goalposts constantly is working with your colleagues in bad faith. It's patronizing. It's belittling to the dignity of the work that we're doing here. And you know that, like all of you are feigning ignorance. Like, I don't even see what the big deal is. Everything was fine. We followed procedure. And then you name the parts of procedure we followed that like, of course we followed, but you're ignoring the things that everybody keeps talking about, which is incumbency, seniority and preference. And once again, I am no genius. And people

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tell me I'm not a genius every single day. And points were made. They have a point there. But there is a way to slot everybody into a committee where they get one of their top three preferences, no incumbents lose their committees and seniority is respected. And by the way, this is a point I didn't get to before, in this matrix where that happens, Judiciary split, Government is split. Like politically, it works for all of you. Politically, it works to your advantage. So the frustrating thing is that nobody even needed to trample on precedent. Nobody needed to deny people the right to trade. Nobody needed to feign all this ignorance about, you know, actually everything was followed because, Republicans, you still would have gotten your way. If we had followed everything to the letter of, of every precedent and every norm, and every tradition that we have in this body that we were elected in nonpartisan elections to hold up, you still would have gotten your way. Instead, you worked in bad faith to corrupt the process and now here we are taking time. I would like to send this report back to the Committee on Committees for two reasons that I can be clear about. One is that I want the committee to try again in good faith to ensure that people are put on a committee according to incumbency, seniority and preference. That would take communication, which didn't happen in caucuses. You know, Senator Albrecht, who chaired the Committee on Committees, said that Senator Bostelman was quote unquote, amazing, that he came to her with a list of everybody where they could belong and everything. But I say he wasn't amazing because in the process of putting together that matrix, he excluded Senator Bostar. Did you guys know that? Did you guys know that Senator Bostar wasn't involved in his caucus process at all? That he was elected to serve on Committee on Committees and then his committee colleagues completely cut him out of the process? Why? I don't know why. We can speculate why. If I had to speculate, I'd say probably because they didn't need to include him. And this is the point I'm making, colleagues. When you see any kind of potential obstruction to your partisan agenda and you decide the solution to that is to beat the process over the head with a club, you disrespect and debase yourself, you disrespect and debase this institution and your constituents. And again, if you work it all out, you're going to find you never even had to do that. You could have gone along with it the whole time and acted right and been an upstanding member of this body and not done all of these shenanigans and still gotten your way. CD 1 could have included Senator Bostar in all of their conversations and they still would have gotten their way. So the second reason I want to send this back to the Committee on Committees is because I want you to understand that this is how we're beginning. This is the

tone we're setting for the entire session. And when you steamroll procedure, you cannot get away with it easily. You might win at the end of the day, you probably will. You'll probably win because you have the numbers, number one, but you're definitely going to win because you're willing to cheat and lie and corrupt procedure in order to win even when you don't have to. So yeah, it's probably a foregone conclusion that you'll definitely get your way. But I want you to understand that when you make the decision to do that, it will not be easy. Maybe you'll miss your lunch. But to that point as well, none of you have to stay here if you don't want to. When Speaker Arch announced that we would be staying here through lunch, that's right. We are staying here through lunch. But none of you have to participate in any of this. When Speaker Arch said that we would be staying here through lunch, I heard a lot of muttering around me and a lot of people making comments about that, as Senator Erdman would put it, whining and crying. But none of you have to be here. You can all go get your lunch. If you haven't participated in this discussion because you think everything went perfectly and everything was above board, then you aren't needed for the conversation. You don't need to be here. If you're annoyed at what I'm doing or you think someone in here is being childish or annoying or whining and crying, go to your office and work on some stuff that you think matters. I think norms and procedures of this institution matter, and the rules that we've adopted say that all of this is, you know, a valid response to what I see as the corruption of rules and procedure. If you're in here because you're listening and considering and thinking about the points made in this conversation, then you should stay. People of Nebraska are listening and watching. And a lot of this feels like really inside baseball. Like last night I went out to dinner at Koji, a really good new sushi restaurant in Omaha, with a whole bunch of my closest friends who I've known for 15-plus years. And it was one of those things where, like, we all have kids now and people have more difficult jobs and people have been traveling and it's really hard for us to get together, which all of you understand. You know, it's been really hard for CD 1 to get together to talk about their responsibilities as a committee. It was really hard for several of our, our leadership groups here to get together. It was really hard for Senator Linehan to get back to Machaela about her questions on her preference sheet. So after that happened, everybody could parade around here and say that she never turned it in, but it can be very hard to get together. But last night we finally did with my friends and all anybody wanted to talk about-- I won't put anyone on blast. All anybody wanted to talk about at dinner was a couple of bills that



were introduced that people were like, what on earth is going on with this bill? And then second was the Committee on Committees process. And this is total inside baseball. Like, this is not sexy, this is not exciting. This is like government gears grinding. How do we decide the committee process? How do we decide who goes on the caucuses? How do we figure out who gets slated in committees? This is all usually done in a back room, literally. It's not, it, it's not a public process. The press is there. The press is typically there in the meeting for Committee on Committees when we're doing that. But the work that leads up to that when the caucuses meet is not typically done in the daylight. So the public definitely has an interest in this process, but they don't have a lot of knowledge about how it works, actually. That's what we're trying to sort of clarify on the record here is how the process works.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. To clarify how the process works, but also call out when that process is broken or disrespected. And that's what my friends, who are honestly not super political people-- like, I'm kind of the one of that group who falls into that category, but they've seen in the news what's going on with our Committee on Committees and they think it's terrible. So these like basically nonpolitical people are telling me that. How do you think this reflects our institution to the rest of Nebraskans? I said last week, you know, the Legislature is a joke to a lot of Nebraskans, whether they agree with you or disagree with you, whether they're conservative or progressive. We all hear from Nebraskans all the time about the problems they have with the work that we do in this body. And that's because we don't have dignity in the work that we do. We look at the outcomes and we say, OK, I'm a conservative Republican. Looks like odds are I'm going to get my way, but that's not enough.

**KELLY:** That's your time. Thank you, Senator Hunt. Mr. Clerk for new bills.

**ASSISTANT CLERK:** Thank you, Mr. President. LB182 by Senator John Cavanaugh. It's a bill for an act relating to eviction proceedings; change provisions relating to report on eviction proceedings and complaints for restitution; to harmonize provisions; to repeal the original sections. LB183 by Senator Cavanaugh, Senator John Cavanaugh, to provide for proceeding in forma pauperis; to repeal the original section. LB184 by Senator John Cavanaugh. It's a bill for an act relating to juveniles; to provide for inadmissibility of statements

[RECORDER MALFUNCTION] proceedings to transfer cases to and from juvenile court; eliminate obsolete provisions; repeal the original sections. LB185 by Senator John Cavanaugh, a bill for an act relating to the Department of Revenue; define terms; to require the department to distribute funds to certain individuals as prescribed. LB186 by Senator John Cavanaugh. It's a bill for an act relating to real property; to adopt the Unlawful Restrictive Covenant Modification Act. LB187 by Senator John Cavanaugh is a bill for an act relating to civil actions; to require the appointment of counsel at county expense in eviction proceedings in certain counties; define terms; provide a duty for the Supreme Court; harmonize provision; repeal the original sections. LB188 by Senator Hansen, a bill for an act relating to education; change provisions relating to the Alternative Certification for Quality Teachers Act; to authorize the Commissioner of Education to issue temporary certificates to teach to military veterans as prescribed. LB189 by Senator Kauth, a bill for an act related to Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to define and redefine terms; to change an exemption for natural hair braiding; provide an exemption for natural hair styling; repeal the original sections. LB190 by Senator Brandt is a bill for an act relating to county bridges; to authorized bridge project payment over a scheduled period of time extending beyond the completion date. LB191 by Senator Halloran. It's a bill for an act relating to the Workers' Compensation Act; provides for confidentiality of and access to certain injury reports; and to repeal the original sections. LB192 by Senator Halloran. It's a bill for an act relating to revenue and taxation; amends section 773-3504; to redefine terms; and repeal the original sections. LB193 by Senator Halloran. It's a bill for an act relating to elections; provide requirements for voting systems; to repeal the original section; declare an emergency. LB194 by Senator Halloran and others. It's a bill for an act relating to the government; to adopt the Second Amend Preservation Act; provide severability. LB195 by Senator Halloran. It's a bill for an act relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act. LB196 by Senator Bostar. It's a bill for an act relating to retirement; change provisions relating to the Nebraska State Patrol Retirement System and benefits provided for a death benefit of an officer after retirement and the annual benefit adjustment calculations as prescribed; and declare an emergency. LB197 by Senator McDonnell, a bill for an act relating to retirement; to redefine terms relating to referendums on the state agreement extending certain federal benefits to certain public employees in the state; and to repeal the original section.

LB198 by Senator McDonnell. It's a bill for an act relating to retirement; to define and redefine terms; provide for a return to work and authorization of contributions as prescribed; to harmonize provisions; and to repeal the original sections; declare an emergency. LB199 by Senator Brewer. It's a bill for an act relating to Motor Vehicle Operator's License Act; to provide for a driving privilege card to federally authorized aliens; to define and redefine terms; to harmonize provisions; repeal the original sections. LB200 by Senator Briese. It's a bill for an act relating to public health; to adopt the Canadian Prescription Drug Importation Act. LB201, Senator Vargas. It's a bill for an act relating to schools; to add a high school graduation requirement, provide an exemption as prescribed; provide a duty for schools to submit out to the Department of Education; provide duties for the Commissioner of Education, require an annual report of the Legislature; provide for rules and regulations as prescribed; and to repeal the original sections. Mr. President, that's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. We'll resume debate on the motion to recommit to committee. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. The consequence of what's happening here, which is if we're going to recommit the Committee on Committees' report back to committee, or if we pass it, is that technically we don't have any committees until we pass this report. None of you are officially on a committee until this report is adopted. So if we don't do that today and we're supposed to have a Rules hearing tomorrow at 1:00 or 1:30, whatever time Senator Erdman said, in Room 1525, which is a public hearing that the public is certainly encouraged to come and testify at. If we don't have a Rules Committee tomorrow, how are we going to do that? That's been my question. How are we going to meet as a Rules Committee without a Rules Committee? So I understand that committees may meet. You know, Judiciary Committee met under the balcony last week. Rules Committee is supposed to meet tomorrow for a hearing. But if we don't pass the Committee on Committees' report that-- my understanding is that if we have a hearing, that can be done, but action cannot be taken by the committee. So, for example, they can't vote any bills out. They can't provide a committee report, things like this. But I have to check procedurally what that exactly means because for the last several days, I've been looking at the rule book and it's not really clear to me. In the rule book, it's Rule 3, Section 4(f) that explains the Rules Committee and it says, "all proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee." So that means

after the Chairman of the Rules Committee, Senator Erdman, receives a rule proposal, it needs to be set for a public hearing within five days. "The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing." So let me correct myself. It's not that the hearing has to happen five days after it's referred. It's that it has to be set for a hearing. So we have to have a hearing date and then that hearing needs to occur within 15 days. After the hearing takes place, then there's ten days for the committee to take action. So we convened on Wednesday. Wednesday was generally ceremonial. You know, new senators got sworn in. We had a lot of family on the floor and it was really celebratory and cool. We didn't-- I think new bills were introduced, but none of them were read across into the record. Day two, we started the morning with new bills being read into the record, read across, people dropping a lot of bills. Not a lot of business was done in the Legislature because there just wasn't anything to do yet. And then that afternoon-- when we reconvened for the afternoon, we swore in all of our constitutional officers: the Secretary of State and the Auditor and the Governor and Lieutenant Governor, etcetera. And the next day was Friday. Friday we had more introduction of new bills and we started debate on the Committee on Committees' report, which has a lot of legitimate problems: problems in process, problems in the way this happened and the way this came about. And these are processes and problems that are serious, that we should talk about. In that time, we've also had rules-- rule changes given to the Chairman of the Rules Committee, Senator Erdman. Senator Erdman asked on Thursday for all rules to be to him by Friday. So the day after we convene as the 108th Legislature for the very first time ever, we're told by the Rules Chair that we have to have the rules into him by the next day. And then today, on Monday, we're emailed a matrix titled 2023 Rules Graph. It's just a list--

**KELLY:** One minute.

**HUNT:** --folks. Thank you, Mr. President. It's just a list. It contains 52 rules proposals. And I see these rules proposals, but I don't see the text of any rules. So tomorrow, without a Rules Committee, they're going to hear 52 rules proposals in a public hearing when the public and lawmakers haven't even had an opportunity to read what the rule proposals are. How does that make sense? How is this a democratic process and how is this a best practice for this body? According to the rule book, we have 5 days to set a hearing and 15 days to actually have the hearing. I think that we should take advantage of that rule

and take the time that we have to make sure that as we work out the Committee on Committees' report, we know that the rules are going to get their due, that they're going to be able to be examined not only by us but by the public. I haven't seen a text of any of these rules except the ones that I turned in. And I would like to know what it is the Rules Committee, which again doesn't exist, is ostensibly going to be discussing tomorrow.

**KELLY:** That's your time, Senator.

**HUNT:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Day, you're recognized.

**DAY:** Thank you, Mr. President, and good afternoon, colleagues. I just wanted to finish a few things that I didn't finish on the mike last time. Sometimes people will get on the mike and just say abject lies. And it's an unfortunate thing that we're starting off session with this, but I want to make it clear that if you're going to stand up on the mike and say something that is patently false, that people in the body know is not true, there's going to be people that are going to ask you to answer questions and we're going to talk about it. If we're going to continue to get on the mike and lie to the people of Nebraska, the rest of us are going to get on the mike and call you out on it. In relation to my spot on the Education Committee, I was told several days prior to even our caucus meeting, before we had even elected members of our caucus to Committee on Committees, that they were going to come for my seat on the Education committee. So this wasn't a matter of seniority or anything like that. It was very clear that one of their goals was to remove me from the Education Committee because I'm not favorable to the types of policies that they want to move out of that committee and advance for full debate. So they replaced me with someone who was. Senator Linehan mentioned a few things on the mike earlier that I wanted to talk about. I asked her if any options were presented that would have kept me on the Education Committee. She said yes. And then she said she went to caucus three and discussed it with them. They did not want to trade a seat, which they shouldn't have had to trade a seat in the first place because I should have been given my seat that I had incumbency in anyways, but. However, I do recall the night of our caucus meeting. On December 19, after we elected Committee on Committees members, Senator Linehan stood up and said, we're not going to do any trading of seats or anything of the sort. That happened a lot last session. We're not going to do that this time around. So again, predetermined that before

there was even options provided to keep senators on their committees, it wasn't going to happen for some of us. Because trades have happened for other committees. Would Senator Linehan yield to a question?

**KELLY:** Senator Linehan, will you yield to a question?

**LINEHAN:** Yes.

**DAY:** Thank you. Senator Linehan. Do you remember on the night of our caucus meeting saying that you were not going to do any trading for seats on committees?

**LINEHAN:** I don't remember the context so it's hard for me to-- because I know--

**DAY:** There, there was no context. You had just been elected to be on Committee on Committees and you stood up and said, we are not going to trade seats from different caucuses.

**LINEHAN:** Right and I don't think this time we did very much of that. We did some because when you get to the end, you have senators that don't have a committee and you have places on--

**KELLY:** One minute.

**LINEHAN:** --committees that don't match the numbers. So in the end, we did some of that.

**DAY:** OK. So there was seats that were traded from different caucuses?

**LINEHAN:** Yes. As a matter of fact, District 3-- caucus three gave caucus two a seat on Health and Human Services so you could stay on the committee.

**DAY:** OK, so-- but that was not an option with the Education Committee.

**LINEHAN:** That was not an option because district three, as I've said-- and I got a question from press, so maybe I wasn't very clear. We have a new Governor who has made it very clear that he is going to look at school funding, that he's going to spend a lot of time looking at school funding. And the Third District caucus, which has many, many schools that are not equalized is not going to give up a seat on Education when they know that is coming.

**DAY:** OK, so that leads into my next question, Senator Linehan. I appreciate you mentioning that. What does the Governor's plans for school finance have anything to do with the legislative branch of Nebraska?

**KELLY:** That's your time, Senator.

**DAY:** Thank you.

**KELLY:** Thank you, Senator Day. Thank you, Senator Linehan. Senator Vargas.

**VARGAS:** Thank you very much. There, there are definitely lessons to be learned about this and that's one of the reasons why I'm speaking on this, serving as one of the Committee on Committees' members. Like I said, there were fights that we had. And I say fights, I am saying attempts that we're making to try to make sure that there is balance in one way, shape or form. And with many of the things that we try to do, let's say within our caucus or even at the caucus at large, some of those things did work out, some of them did not work out. And one of the things that's hardest on this is when we are not consistent with what we have typically tended to do. That is the problem that I have with our own internal process. And honestly, I say this for the public because two years from now, there is the opportunity. There is-- I think the, the commitment should be made that one, when we're electing our Committee on Committees members, no matter who they are, no matter their party affiliation in particular, that they're advocating on behalf of your caucus. You know, I've served in this position for the last four years and I will be going into my six years as a Committee on Committees member. And one of the things that's been very, very important to me has been making sure that we are balancing as many of the wins of preferences that are possible given to incoming members. I tried to meet with both Republican and Democratic incoming new members to try to get a sense of what they were-- what they wanted to be on and also what they were preferencing in and with the reality of what positions we have. The problem that we run into is when there is not as much consistency with applying of those, of those standards. I brought this up before. We have Senator Holdcroft, who is-- has experience in government, but does not have any seniority and was-- got his first choice. His, his first choice was Government and Military Affairs and another individual member in our caucus had two years of experience and was trying to get on Government and Military Affairs and we had a disagreement and we could not come to a standstill. And we ended up putting Senator Holdcroft on Government

and Military Affairs with zero years of experience on that committee over somebody that had two years of experience and was trying to get on that committee. And what ended up happening is a trade, which I'll talk about trades in a second. The trade that was then done between three-- two other different members in different caucuses, that person that put their first preference now traded off his first preference to seek out his fourth preference on his sheet, Judiciary. Which means that the person that had two years of experience in the CD 2 caucus didn't get their preference and the person that did traded it away. This is the problem with the inconsistencies, that if we start sharing this with the public, that it doesn't seem fair. Obviously, it's left up to interpretation to everybody that is listening to this whether or not it is indeed fair or not. But what we're hearing from members is that when there's discrepancies and there is not-- and it's some adherence or more adherence to some of these standards, it is going to be seen as unfair, it's going to be felt as unfair. And we already-- and I said this to a couple new members even on the side-- we are going to have fights on policy disagreements, which is inevitably going to happen both within our committees and not, and we are already having this even prior to when we're trying to find some level of balance on committees. It makes it extremely difficult, extremely difficult to feel like even our policy debates, not even the outcomes, just the debates, are going to be as fair as they possibly can be. I want to make sure that we are continuing to balance this. And I brought this up on the whole committee structure. Even when I was in my first couple of years, I advocated for Republicans and Democrats to get their first choice, even--

**KELLY:** One minute.

**VARGAS:** --when I disagreed with some of the policy reasons why people wanted to serve on those committees. Even when some people wanted to trade on and they were from my opposing party, I tried to aid them in trying to achieve those trades because we typically have honored trades between basically consenting senators that want to make those trades. After we've done the committee report, our job is to make sure that there is a fair process for people to have the ability to get on those committees. The problem that we're running into is there's too many examples of individuals with some level of either preference or incumbency or experience that are achieving not the result of what they're trying to be on their committee. And others that have less seniority are getting their first or second, in some instances, their first, second and third choice in certain things. This is the rub that we have. This is something that we need to clearly learn from. It's



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something that we need to be prepared for two years from now and whoever we elect in every single one of our caucuses for all these positions--

**KELLY:** That's time, Senator.

**VARGAS:** Thank you.

**KELLY:** Thank you, Senator Vargas. Senator Dungan.

**DUNGAN:** Thank you, Mr. President. I rise today in support of the motion to recommit. I want to take a second to acknowledge this is my first time speaking on the mike. I-- it's an honor to be here and I'm, I'm thrilled to be here. I grew up here in Lincoln, driving by the Capitol almost every single day and it just means the world to me to be here. And as I'm sitting here listening to this debate and listening to our colleagues talk, I was thinking about why we were sent here. I had an opportunity to sit back and think a little bit about what it was that our constituents elected us to do. And as I'm sitting here and thinking about it, the reality of the situation is that we were sent here to have these conversations. We were sent here to ask the big questions. We were sent here to have the great debates and we were sent here to have the conversations that were difficult, not always the easy conversations. So I know as we move into 12:20 here in the afternoon and we have this debate over lunch, it might be frustrating to some, whether they're here or back at home watching on their TVs. But the reality is this is exactly what we were sent here to do. We were sent here to sit and have conversations with each other and make sure that we can process this. As I look back on my time when I was running for office, one of the things that I heard time and time again from constituents-- and I'm sure many of my colleagues have heard the same thing. I've heard this echoed already in the last few days-- was that they are sick of the hyper-partisanship that they see coming out of the Legislature. I talked to people from across the entire political spectrum. I knocked on the doors of Democrats, Republicans, nonpartisans, people who liked politics, people who didn't like politics. And time and time again, they said that they just wanted to have people get together and try to get things done. And so I feel like up until this point, we absolutely have been living that aspiration or living that ideal. As I came in through new senator orientation, I've had an opportunity to get to know a number of my fellow colleagues; Democrats, Republicans, across the board. We've become good friends. For example, Senator Lippincott. I've gotten to know him well and his son who was in town this last week for the

inauguration. And I got a chance to meet him and his fiancée and hear the story of how they met and where they're going from here. And it's just been incredible to have this opportunity to have these conversations. And so, yes, I'm new, but I find it somewhat disheartening when I hear from my colleagues whom have been here before me and they say that this process has been tinged with partisanship. Now, again, I don't know how the process worked in the rooms. I'm not on the Committee on Committees and that's not something that, as a freshman, you, you generally have an opportunity to do. And I want to take a second to thank my colleagues who were on the Committee on Committees. This is an incredibly difficult jigsaw puzzle to figure out. And I listened to the folks who are on the Committee on Committees and I, I believe them when they say that when you're dealing with 49 of us who have differing opinions and differing positions, it's probably very hard to put us in a committee that everyone wants to be on and honor those things. But I listened to my fellow colleagues who have been here before and have been here before me in, in prior terms and in previous iterations of the Legislature and they do say that there are certain things that should be taken into consideration. What I think is great about this entire process is we get to get up and have this debate. We get to get up and have these conversations. And this motion to recommit this to the Committee on Committees doesn't have any binding effect except let's go back and let's take another look at it. I don't know, for the people sitting at home, if they understand that the first ten days or so of this Legislature generally are, are bill drop days. There's other things that happen. Obviously, the Rules Committee meets, but we don't have a lot else on the agenda. And so I don't necessarily have a problem with us having these hard conversations. I think we should strive to make sure we keep it about the issues. I think we should strive to make sure that we're talking about this in a way where we're addressing the actual committee assignments. Again, I think we should all strive--

**KELLY:** One minute.

**DUNGAN:** --for-- thank you, Mr. President. I think we should all strive to respect one another, but I think we should encourage each other to take a good, hard look at this process and acknowledge the fact that not everybody got the choices they wanted or in some circumstances, maybe deserved. And so what we're doing with this motion to recommit is we're providing a further opportunity for somebody to take another look at this, another bite at the apple, if you will. Things may change. They may not change. But at least at the end of the day, this provides the Committee on Committee-- the Committee on Committees a

chance to sit down and look at these assignments one more time. And a number of the people speaking today didn't have their voices heard in the Committee on Committees meeting. So perhaps the members of the Committee on Committees has now heard some of the complaints. They've maybe heard some of the issues that have been taken into account or not taken into account with the committee assignments. And this at least provides them with an opportunity to say, we've heard you, we've listened to you, we see you. Now we're going to go back and at least make sure this was done in a way that was respectful to everybody. So I would just encourage other--

**KELLY:** That's time, Senator.

**DUNGAN:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. President. I'm going to attempt not to touch the microphone this time. It was a pleasure to welcome Senator Dungan to-- my rowmate, by the way. You might not be able to tell on the camera. We sit in the same row-- and a pleasure to welcome his perspective to the conversation and all the new senators. And I think-- I appreciated the points he just made about what the opportunity presented here. And sure, we can all talk about that some people are airing grievances about what happened. And as he correctly pointed out, some of us weren't in the room, myself included, and so we don't know everything that happened. We've heard a lot of people mention what exactly was transpired and what things people considered. We have heard several people reference the necessity or the decision to pursue a partisan makeup or partisan balance of those. And of course, we are all not naive enough to think, even though this is a nonpartisan body, that people don't register with a party, they don't participate in a party and are not members of a party. And so it's-- we're not-- the complaint here is not about the fact that people carry with them all of their experience and all of their interests and their political ambitions and agendas with them in these conversations. The, the complaint here, or really the conversation here, is about what do we want this body to look like? How do we want it to be comprised and how do we want it to comport itself? How do we want to behave? And the rules for these things and the norms have been and the tradition and procedure has always been to strive to be as nonpartisan as nature-- as possible and to do the work of the people of the state of Nebraska. And there is a lot more partisanship in the world at large and it is infecting places like this. And so the conversation we're having right

now is, is that one. It's the one about whether we want to take this opportunity to go back and say, OK, we got a little out-- over our skis and we made some decisions that were rash. And so we have an opportunity that's being presented on this motion to recommit by Senator Hunt to go back and say, let's, let's maybe look at these. We didn't realize that it would be-- that it, that it was so partisan in its nature that it would be perceived as such. But the broader question-- this is for the new folks-- is the conversation here is about how are we going to maintain ourselves going forward? Are we going to strive for an objective approach towards the issues that present themselves to the state of Nebraska? Or are we going to allow the political parties and other interests on the outside of this room to insert themselves into the conversation and to force our hand to do things differently than they've done in the past, to do things with a more malicious intent or more malicious process? Or are we going to go back to the traditions and norms of this body that have functioned and serve the state of Nebraska for nearly 100 years and say we are focusing on geography? Yes, for how we coordinate or organize ourselves, but we are not going to take into consideration whether or not individuals are registered with one party or with one-- or espousing a specific philosophy ahead of time before we decide whether or not to put them on a committee. We're not trying to decide the outcome before we get the bills heard. The purpose of the hearing process is to allow one, bills to be presented, conversations to be had--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- and to allow different perspectives to be aired out. Because if you get a committee that is entirely stacked in one philosophy, you may not know that there are a lot of people that are not on that committee that have a different opinion on that and who are not going-- that bill is not going to move as efficiently as it might seem coming out of a certain committee. And we've had that problem in some committees in the past and that tends to degrade the discourse. But it also has a tendency to slow down the entire process of all of the rest of the Legislature. And so this is an opportunity to move to recommit this bill back to the Committee on Committees. We can take a look and maybe make a few changes and start off this whole session, the next 84, 6-- 86 days, in a better position than we are at the moment. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Conrad.

**CONRAD:** Thank you, Mr. President. Again, good morning, colleagues. Oh, almost afternoon. Good afternoon, colleagues. I just want to set a few kind of important guideposts before I, I jump into my next comments here, just kind of about where we are and how we kind of found ourselves here. So, again, ensuring that we honor our rules, including Rule 2, Section 1(b). If there's not a specific rule on point, we default to controlling custom usage and precedent. And there's been plenty of information and discussion in the record about how in fact we did not adhere to that. And in fact, we are not in compliance with our rules that we are working under. So I, I just want to be clear about that. Additionally, ensuring that we have a thoughtful process and balanced committees ensures that we have better legislative process, better legislative debate that recognizes the diversity of experience and opinions and ensures that the committees can do their hard work to prepare legislation for floor debate. So that's really, I think, at the heart of the discussions that we have here today. So recognizing the import of set-- the importance of setting our committee structures in a-- both with a thoughtful process and a thoughtful result so that we can do the people's work in the most effective and efficient and constructive manner. We started to talk about one of our first orders of business, which is to approve the Committee on Committees' report. And to be clear, colleagues, if you-- it might feel like an eternity, I know, sometimes as we're engaged in floor debate, but we talked for maybe an hour, hour and a half on Friday before Senator Arch-- Speaker Arch put up a motion to adjourn, which stifled debate. We adjourn-- we gaveled in today at 10 a.m., which is just about two and a half hours ago. And I understand in addition to Senator Moser's attempt to stifle dissent and debate, there will be additional motions coming forward either related to procedure or rules to shut down debate and stifle dissent. And I think it's really important to note that it--I, I'm really seeing a pattern and practice here. As the Speaker presides over this disarray, there is a continued effort to stifle debate and dissent. So whether that includes quickly buttoning up committee chairs on day one and not having the raucous floor debate on temporary rules that we've seen in the past, whether that includes a failure to recognize points of privilege, as the Speaker has so indicated. Whether that includes a Speaker's memo that seeks to subvert the power of committee chairs to schedule committee hearings, to button things up, to fast track, to stifle debate and dissent. Whether that includes a motion to adjourn on Friday from the Speaker after an hour, hour and a half of debate on one of the most foundational and critical issues before the body, setting the, the structure for our work moving forward. And whether or

not they will be additional motions from the Speaker this morning to again stifle debate and dissent in an attempt to end the disarray that has happened under just a few days of his watch. So that being clear, those measures are debatable. It's not going to save anybody any time or energy. And I look forward to having that debate. And I recognize it's the Speaker's prerogative and each individual member's prerogative to also utilize the rules that we are governed under and operate under.

**KELLY:** One minute.

**CONRAD:** So I look forward to that debate. Thank you, Mr. President. And to be clear, these, these rules issues are going to be really, really important. And as has already been noted, there's, I think, 48-and-counting proposals to change our rules that have been presented. There's apparently a public hearing on these about 24 hours from now. And I've asked for a copy of the proposed rules amendments so I could start to prepare for that. And thus far, all they have available is an index. So I don't even know what those proposals might entail. And think about again how that fits into the pattern and practice, how that fits into the pattern and practice to not be transparent, to not follow norms, to stifle debate and dissent. And none of these pieces are an accident. It's a failure of leadership and I look forward to additional debate. Thank you, Mr. President.

**KELLY:** Thank you. Senator Conrad. Senator Linehan, you recognized.

**LINEHAN:** Thank you, Mr. President. I just-- I've been asked several times on the-- to get up and answer questions this morning, which I'm happy to do. But the last couple of times, I've been cut off before I fully answered the question. I want to make it absolutely clear when I was talking about the third caucus, Third District caucus, wanting to hold on to all three of their seats, that had nothing to do-- nor have I ever talked to anybody in the Governor's Office about who's on committees. I just haven't. I never talked to the previous Governor. I haven't talked to this Governor. I haven't talked to anybody on his staff about who is on committees. But I do read the paper and since even before Governor Pillen was elected, he has talked about school finance and reforming school finance. It's been in many, many stories. So it's no secret. You didn't have to have some-- all you have to do is read the paper, which I do religiously. The second thing I've heard on the floor this morning is I wanted Senator Wayne on Education Committee because he has, in the past, supported my tax credit bill. Guess what, folks? That bill does not go to Education. It goes through

the Revenue Committee. It is a tax credit. When a bill is about taxes, it goes to Revenue. I'm supportive-- on the Committee on Committees, I supported Wayne being on Education because he represents the largest school district in the state in Nebraska. And if he wasn't on there, the largest school district by far-- one-sixth of the kids in this state go to Omaha Public Schools. So if we would not have put him on the board-- on that committee, this whole debate would still be that we're wrong and we were being bad and we're lying and cheating because Senator Wayne's not on the committee. How are you going to leave somebody who represents the largest school district in the state off the committee? And then going back to Senator Day's question, there were trades at the end. And part of the conversations with Senator Cavanaugh, I was trying, from the very beginning when I looked at the numbers and know who wanted to go where, that we risked the chance and could, by seniority-- Senator Day could lose both her seats on committees. She was going to lose Education because you had to have Wayne on there. District 2 had lost a seat. One of the other members could have stepped off. Nobody did. And then Senator Riepe got reelected, has more seniority than Senator Day. He was former Chairman of the Health and Human Services Committee. It was no doubt he was going to want to be on the Health and Human Services Committee. So I worked-- yes, I talked to people in Third District and the First District to how do we make sure that we don't bump Day off both committees? This whole idea that this is hyper-partisan. It's not hyper-partisan. People are fighting because-- I mean, the committee should reflect the geography and all the parts of the state and they should reflect them carefully. They should not, as we did two years ago, have an Education Committee that had only one member from the Third District, four from the first, two from one school district. Education-- I've worked on education funding since I've been here. It is a mess. Everybody agrees it's a mess and we need the most senior, most seasoned people on that committee to figure it out. Thank you, Mr. President.

**KELLY:** Thank you, Senator Linehan. Senator McDonnell, you're next.

**McDONNELL:** Call the question.

**KELLY:** Question has been called. Do I see five hands? I do. The question is, shall debate cease? There's been a request to place the house under call. All those in favor, aye. All those opposed, nay. Clerk, record.

**CLERK:** 25 ayes, 6 nays to place the house under call, Mr. President.

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**KELLY:** The house is under call. All members, please return to your seats. Unauthorized personnel should leave the floor. Members, please check in. Senator Kauth, Senator Raybould. Senator Bostar, Erdman, Riepe, and Geist, please check in. Looking for Senator Erdman and Riepe, please check in. All members are present. The question for the body is shall debate cease? Those in favor vote aye; all those opposed vote nay. A roll call vote has been requested. Clerk, please call the roll.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran, yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart. Vote is 32 ayes, 14 nays to cease debate, Mr. President.

**KELLY:** Debate has ceased. Senator Hunt to close.

**HUNT:** Thank you, Mr. President. The cornerstone of the reason I-- I can't speak for everybody who's been involved in this conversation since Friday-- the reason that I am firm and strident about this is because without respecting process or rules, which you haven't, like, you just haven't. And I would rather hear some of you say nothing than get on the mike and say that you, that you did respect the rules. Speaker Arch on Friday stood up, incredulous and said, well, I think the process was followed and we ought to advance the committee report. Colleagues, we know the committee report will be advanced. We just don't know how long it's going to be until that happens. We don't know if that's going to happen before the Rules Committee hearing tomorrow.



And I don't know how we have a Rules Committee hearing without a Rules Committee. Furthermore, just an hour ago, I received-- all of us received in our email a list of the names of all of the rules that have been introduced to the Rules Committee, to, to Chairman Erdman, I should say, since we don't have a Rules Committee. There are 52 rules. And the way these rules were delivered to us, Nebraskans, is we've got a spreadsheet here. We have the number of the rule, the senator-- the introducing senator, the topic it pertains to, a brief description of a sentence or less, and then the rule source. Like, what, what rule in the rule book this would be affecting. Nebraskans, you are invited to a public hearing on the rules that is ostensibly tomorrow, ostensibly at 1:30, supposedly in Room 1524, 1525. We can check which one that is. But we don't know what the rules that are being introduced even are. Lawmakers themselves have not had a chance to review the text of the rules changes that we're being asked to consider tomorrow without even having a Rules Committee. So at what point along the way, colleagues, are we going to slow down and say process is serious, accountability to Nebraskans and the public as serious? And this yellow book that we all have that governs how we comport ourselves and how we go through procedures in this body, tomorrow, we're having a hearing on 52 potential changes to this book and none of us have even read what those changes could be. In a committee hearing in a regular standing committee, we have to give seven days' notice for a public hearing. So if I were to introduce a bill that would go through Judiciary Committee, the Chairman of Judiciary has to, has to say within-- has to give a seven-day notice of when that hearing will be. It's not that way for the Rules Committee. In our rule book, it just says within five days. So according to the rules, it could be tomorrow. It could have been Friday if Senator Erdman wanted to do it that way. But when we run roughshod over process, as we are doing with the Committee on Committees' report, as we're doing with the Rules Committee, then democracy gets lost in the process. Oversight and accountability gets lost. Nebraskans who want to have their voices heard and want to weigh in on the rules that we are going to be following as a body for the next two years, potentially long after that because when we-- in the next biennium, when we adopt the temporary rules, it'll be the-- whatever we pass tomorrow, whatever gets heard tomorrow. And when the public doesn't even have a chance to weigh in on those things, we really miss something in the service that we're doing to Nebraskans. So I would ask the Rules Chair to reschedule the committee hearing--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President-- until at least-- I mean, at least one day, at least 24 hours until we act-- after we actually get the text of the rules changes, at least 24 hours after the public is given the text of the rule changes. We rely on the press now to help disperse and disseminate the potential rules changes that we will be debating because there's no other way for the public to find out what those are. And that's a big problem. I would like it if we could have a three-day or five-day notice even for rules changes because people should have time to read them, to consider them, to consider the meaning of them within the context of this institution. And based on what happened with the Committee on Committees, I know that most of you are not going to be considering that. You're going to be listening to one or two bosses in here who say, oh, no, this is all fine. All these rules, no problem, just vote for it. And you're all going to do it because you have debased yourselves. You have debased this institution--

**KELLY:** That's time, Senator.

**HUNT:** --and your constituents. Thank you.

**KELLY:** The motion before the body is Senator Hunt's motion to recommit. All those in favor vote aye-- roll call vote requested. Clerk, please call the roll.

**CLERK:** Senator Wishart. Senator Wayne--

**KELLY:** This is on the recommit to committee from Senator Hunt.

**CLERK:** --voting yes. Senator Wals voting yes. Senator von Gillern voting no. Senator Vargas voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Riepe voting no. Senator Raybould voting yes. Senator Murman voting no. Senator Moser voting no. Senator McKinney voting yes. Senator McDonnell voting no. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting no. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt not voting. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting no. Senator Halloran voting no. Senator Geist voting no. Senator Fredrickson voting yes. Senator Erdman voting no. Senator Dungan voting yes. Senator Dover voting no. Senator Dorn. Senator DeKay voting no. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting

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no. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar voting yes. Senator Blood. Sander Ballard voting no. Senator Armendariz voting no. Speaker Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. Vote is 13 ayes, 32 nays, Mr. President.

**KELLY:** Motion is not adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Hunt would move to reconsider the vote just taken.

**KELLY:** Senator Hunt, you're recognized to open on your motion. I raise, I raise the call.

**HUNT:** Thank you, Mr. President. Raising the call means you don't have to sit in your chair anymore. And so if any of you would like to go back to your office and have the lunch that you've been waiting for or go have a meeting with a lobbyist or maybe they can buy you a lunch, you can certainly go do that. One thing that I try to do every time I know that there's a public hearing-- so certainly for all of the bills that I introduce, but also for something like a Rules Committee hearing is I try to use the reach that I have through social media, through email networks, through my website, things like this, to make sure that people know when that hearing is going to be. We're always asking the public to engage politically and civically, to be good citizens, to register to vote, to not only register to vote, but to understand all of the voting-- voter suppression laws and all the regulations and all of the hoops that we make them jump through to exercise their right to vote. We ask them to contact their congresspeople and their senators and their state senators and their school board members and their city council members and everybody under the sun who has ever been elected. And you know, whether, whether the issue is property tax relief or constitutional carry or consumption tax or LGBTQ equality or abortion or whatever the issue is, there are always constituencies and advocates out there who are trying to, you know, whip up the public and get them to be civically engaged in the hopes that they will be able to influence their government. We are all here, of course, because of the people who put their trust in us to send us here. But we also know the reality is that sometimes when you look at a ballot, you either only have one choice on it to vote for-- there's only one person running in that seat-- or there's two people running on the general ballot and neither of them really seem that great. So when I look around this body and I see how we've comported ourselves in the Committee on Committees

process, when I see, you know, honestly the disarray in this body and the lack of respect for precedent in this institution, I think we have a candidate pipeline problem. I think there are probably better people who could be running for office. I think there are a lot of normal, intelligent, experienced, qualified folks who-- people probably come to them and say, you know, you would be really good in the Legislature. You would be really good in city council. You should think about running for office. All of us have probably said that to somebody at some time. And then they look at what's going on here and they go, that's nothing that I ever want to be a part of. This is also degrading to democracy. This is also degrading to civic health. And as much as we want people to vote, we want people to engage with their government, we want people to understand that the work that we do in here is literally for them. That we're not standing above them, that we're not here to tell them what to do, that we're here to improve their quality of life and basically leave them alone and let them make their own decisions about how to best live the good life in this state in a way that works for them. They look at the work we do and they think it's a joke because we are not rising to the dignity that this office is asking of us, honestly. And a prime example of that is not just what happened with the Committee on Committees report, but what's happening tomorrow with the Rules Committee. Tomorrow, there is a public hearing to consider updates to the rules. There are 52 rules that have been introduced. None of us have seen the text of all of those rules. The public has certainly not seen the full text of those rules. And I would like to send an email to everybody on my newsletter, as I would typically do, to tell them when the hearing is going to be, where it's going to be, how they can testify and make their voices heard, to reach out to their senator if they have a question or concern and what the text of these rules are going to be. I would like to send an attachment to everybody on my email list, as I would typically do, and say, here are the 52 rules that are being considered by your Nebraska Legislature. If you love them, reach out to your senator and say so. Reach out to the committee and say so. If you don't like some of these, reach out to your committee and say so. And if you have the time and the energy and the ability to come down here to your State Capitol and testify in person on any of these rules, you may. That's your right. You should do that. And my office is here to help you do that. My office has not been able to send that email. My office has not been able to send that information out to Nebraskans because we don't have the text of the rules. So not only are lawmakers being asked to hear rule changes tomorrow that they've never even been able to read yet, but the public is being deprived of

the opportunity to weigh in on those rules as well. You know, as soon as we get-- I mean, let me check my email right now. No, I still don't have an update after over one hour, almost two hours now of what the text of the rules is going to be. So you can bet that as soon as we lawmakers receive the text of the rules that, that are under consideration for tomorrow, it's going to be a minute until the general public gets it. And that's if they're looking. That's if they're looking for the information. That's if they're reloading the World-Herald or they're waiting for my little email that I'm trying to send just to do something to help these people civically engaged. Just because I feel like my responsibility as an elected official is to do something to reach out to these people and make them feel like what they do actually matters for government. Just because in my office I'm trying to do one thing to have transparency and make Nebraskans understand what opportunities they actually have to engage with us. I would like to send an email, you know, on Saturday saying these are what the rules are. Because Senator Erdman had all those rules on Friday so we could have done that. Speaking of-- I mean, to this, to this persistent point that Senator Linehan and Senator Albrecht have made about, well, they turned the sheets in late, so of course we had to screw them over, like, you all are turning the rules in late. When do we follow this rule and when do we not? When do we follow this standard and when do we not? I would like to see the rules more than 24 hours before we're supposed to be considering them in a committee and so would Nebraskans. We all have channels that we can use to reach out to our constituents, to reach out to Nebraskans and make them aware of the work that we're doing down here. And if you are a good representative, I think that you should be striving to do that. You can't just get elected and come down here and sit in your office and, you know, wall yourself off from the concerns people have. And what I would urge Nebraskans to do who may be watching this, which I know some of you-- I know there are some people watching this, but not enough. Reach out to your senator. Reach out to Senator Erdman and ask him if you can see the rules because you are interested in testifying or sending an email or otherwise making your opinion about those rules known. If you're watching this and you have civically engaged friends who you know are not watching it because maybe they have a life, like, they've got a job and kids and other things to worry about during the day than babysitting their Legislature. Tell them about it too. Get your friends together who care about what happens in government, who care about protecting democracy, who care about the value of this institution, and who care about the ability to make your opinion known to your government representatives. Because there's the transparency

and accountability to even be able to do that, then you should reach out to Senator Erdman and tell him so. I think that these problems that we have institutionally, whether it's problems in our caucuses or problems with the Committee on Committees process or, you know, rules getting introduced in kind of an inconsistent way and, and we don't even get to read the rules before we have them considered by the committee. The best way to solve these problems is just sunlight. And the more public pressure can be put on these members, on my colleagues, to be more transparent, to be more honest, then the more likely we are to solve these problems.

**HANSEN:** One minute.

**HUNT:** Thank you, Mr. President. All of you could have had everything that you wanted, including passing the Committee on Committees' report on Friday. Having a nice, calm day today with your lobbyist-subsidized lunch that you were hungry for, that you may certainly go and leave and go get it. If you're not engaged in this conversation, you're not needed for it, frankly. So what I would encourage Nebraskans to do is to continue to hold their elected officials accountable, even on this inside baseball stuff. Even on this stuff that isn't as straightforward as, you know, voting up and down on a bill or, you know, voting up and down on a committee chair or leadership, which some people reach out to us about. Because we ask people to be civically engaged and vote and pay attention to what their government is doing in, like, 18 different spheres of government and influence and it's a lot to ask because a lot of people don't have any time. They don't have any money.

**HANSEN:** That's time, Senator.

**HUNT:** They don't have any energy and it's a lot to ask of them. Thank you, Mr. President.

**HANSEN:** Thank you. Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, this is a debatable motion and that means that you can talk on it. That's what a debatable motion is. We are really kind of doing a senior class or master class on rules today. Not a master class because I wouldn't presume to be able to teach a master class on rules, but certainly a senior class on rules today. So going back to my earlier comments about the grocery store and the quarter and the norms, we've a couple

of times now done a call of the house, which is, is sort of a cultural norm in the body. There are several people in here who always vote against a call of the house and that's just their thing. It doesn't-- don't take it personally. It's the same group of people. They just oppose calls to the house and they always oppose them. And so it doesn't matter who you are, don't take it personally. Generally speaking, calls of the house are a very collegial thing that everyone just votes for. I have been on the receiving end of that not happening, but new day, new dawn, new body. Hopefully that doesn't happen this year. So when you are all wondering what you're supposed to do, call of the house, it's really important to read the board. Sometimes we get a little flustered when we come in from outside the Chamber when we're doing a call of the house or a vote. And do not be shy about asking anyone around you, what are we voting on? Because sometimes-- I remember once, the board was, like, filled all the way down to the bottom and we all had to, like, look at it for a hot second before we could realize what we were actually voting on. So sometimes when there's procedural motions being put up, etcetera, you might not know what you're voting on in that moment and it is better to ask. This is not one of those cases where you want to beg for forgiveness because you might make a vote that you really didn't mean to make. So now we're voting-- what we will be voting on is Senator Hunt's motion to reconsider the vote on the motion to recommit to committee. And because she was present, not voting, she can make that motion to reconsider her vote. Of course, we all then vote again. But she made that, that motion because she did not vote on that, on that motion-- underlying motion. I voted against-- no, I voted for the motion to recommit to committee. Therefore, I couldn't make this motion that Senator Hunt has made. So just some procedural, interesting things there for you. I want to go back to the conversation about caucus two and specifically my committee assignments. So I did not turn anything in late. I tried to very clearly and directly communicate with my Committee on Committees members about my intentions and what I wanted as far as committee assignments go. And I even expressed very clearly that I was putting Appropriations as my first choice. I recognized my seniority on HHS and I did not want my seniority to be prioritized over Senator Day's. And I expressed that to three of the four members of Committee on Committees because I knew that that was an issue with her for another committee. And I said-- I asked specifically that my seniority not be prioritized over Senator Day for HHS. It-- apparently, instead of being prioritized, this is one of those instances where a trade was made because there is only one member of the Third District on Health

and Human Services. And Senator Linehan told our caucus that she was opposed to these types of trades happening, especially as she said in Education. And I would say that education is extremely important, but so is healthcare. And we have a huge issue about access to healthcare in our rural communities.

**HANSEN:** One minute.

**M. CAVANAUGH:** We have a massive shutting down of our retirement long-term care facilities and that is a very, very important voice to have in that committee. We have Medicaid reimbursement. We have telehealth. We have issues with broadband and telehealth. This is a committee that should not be underserved by the Third Congressional District, which is another reason to send this back to committee to make a change to add a person from the Third District to HHS, add a second person. I have openly said that I would be removed from HHS above Senator Hunt and Senator Riepe. I anticipated that. A way to solve that would have been to give me my priority, which was Appropriations, which had an open spot, and I had seniority. That would have taken care of it entirely. For some reason, that wasn't done. I don't need to go on Appropriations, but I do believe if we're going to honor the Third District on Education, we should be honoring the Third District on HHS as well and--

**HANSEN:** That's time. Senator.

**M. CAVANAUGH:** Thank you.

**HANSEN:** Thank you, Senator Cavanaugh. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. Well, I think I would take this opportunity to kind of recap our discussion. The-- to me, the story is, is that some of the senators don't like the committees that they got assigned to and so they're looking for reasons to argue their case. And seniority is considered, but it's not the only thing that's considered. Senator Aguilar, when he came back, didn't get his choices that he wanted. He was chair of the committee and he didn't even get put on the committee. Senator Flood came back after four years out or eight years out and he had been Speaker of the Legislature for six years and certainly would have had more experience than most of the people here and he didn't get his choices. He didn't get to jump right to the front of the line and insist that his will be followed. Requests for committees, some of them weren't turned in in a timely



manner. Some of them were turned in right away. There's a certain amount of strategic gamesmanship with when you turn in your committee requests. Because some senators want to look at the list and see what committees others are requesting and then looking-- they look for an opening for them to get a plum assignment on a committee. And that was admitted in debates. Some of them didn't turn it in because they were calling people on the Committee on Committees, trying to jockey for a better position. Several senators called me and asked that they be considered for committees and that's not improper. People can lobby for their, their wishes. I was glad to discuss that with them. In the end, not all those or maybe any of those requests worked out. It's just not possible to allow everybody to have the committee assignment they choose because it's not physically possible in some cases. Sometimes there are openings and sometimes not. And in general, we-- I think that the Legislature has tried to avoid bumping people off of committees unless there's no other way to accomplish, you know, the parity that they're looking for. So I think the process was followed and 12 members of the Committee on Committees voted for this report. And then after it was advanced to the whole Legislature, some of those same people who voted for it are now suggesting that we recommit it. And there's no limit to the number of iterations of this committee report that we could consider, how many times we could bump somebody here and move somebody over there and then this senator's going to be upset. There's no way to get a, a perfect solution that everybody's going to be happy with. So for that reason, I-- you know, I think the process was followed. We have a report before us. I think we should approve it. And I understand some senators wanting to flex their muscle and show that they can drag this process out and try to accomplish some kind of a position of power, but I think in this case, there's not much that can be done to improve on what was done. And I would save that energy for more important fights because I think, think certainly we're going to have issues come up that are worthy of, of filibusters. I just don't think this is one of them. Thank you.

**HANSEN:** Thank you, Senator Moser. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. So there has been some debate about Education and I'm just going to be transparent about it. So I am on Education for the first time and I made it clear to Committee on Committees my reasons for wanting to be there as, one, I replace Senator McKinney. Senator McKinney went to Urban Affairs, which mean he couldn't-- he could no longer serve on Education. And I thought it was-- I think we have to. I think we have to have somebody from east Omaha. And if somebody from east Omaha wanted to go on Education,

which two of them are already knocked out because they're both on Appropriations, I think it's critical. And why do I think it's critical? Well, one, without Senator McKinney's voice on there, there's no diversity on that committee. And when you talk about the achievement gaps that people who look like Senator McKinney and I are facing, there needs to be a voice on there. That's just point blank how I feel. And I've always felt that way about diversity, why our first year in caucus, I tried to get Senator McKinney on the Exec Board because that-- a minority has held that position for the last 40 years. That didn't happen. So on our Exec Board two years ago, east Omaha, over 100,000 people, was not represented at all. That bothered me. But let me tell you the other reason. When I was-- made my nomination to go to Judiciary-- and you can ask the people on Judiciary who met last week underneath the balcony. Judiciary is the collision where I say you have to be comfortable with being uncomfortable. It is the collision of our system of education failing, our systems of mental health failing, and sometimes true, a small percentage, just evil people. There is a norm that was established in this body dating back to when Senator Conrad was here that if you were on Education, you were automatically on Revenue. Well, I think if you're the Judiciary Chair, you should automatically be on Education because the failures of our education system go directly into the system that Judiciary oversees. So one, it was I replace Senator McKinney. Two, I believe that diversity needs to be on Education, especially looking at the gaps. Right now, on any given day, 10,000 Omaha Public School students are absent from school. When you look at the racial breakdown, many of those are African-American, Native American, Asian American and East Indie American. So that deals directly with the community I represent so I felt I needed to be on there. As far as rules changes and the Rules Committee process, I've always not liked the Rules Committee process. It was never a debate. I just wanted to get in as far as changing how we do it. We've never really gave public time. I don't think that's going to change now. But if it's an issue, we can have it up for a rules debate by making a change. And just because you have a rule change in the committee, the rules allow you to make a motion on the floor that takes 30 votes to change any rule on the floor. So there's multiple times to change the rules. I don't mind this debate. I don't mind having sunlight put on our committee process. But if you go back through the committee process, the committee process has always been a vote. Sometimes they take seniority, sometimes they don't. For me, it was about I needed to make sure that east Omaha was represented on Education. It is different. And I understand why the Third District wants to be

represented because education funding is a big deal. And if you think it's about policy choices, you already heard the tax credit doesn't even go there. It goes to Revenue. But I do think we have to work on TEEOSA. I've introduced TEEOSA bills and I'm probably one of four people in this body who actually know how it works because I was the president of a school board that went through some of the toughest changes that-- during my time there. So I'm not-- I don't need to justify why I'm on Education. At the end of the day, the education failures come to Judiciary. And I'm going to make sure this year we link them both and we're dealing with the whole system. That's why I pushed so hard to be on there and I was transparent with everybody--

**HANSEN:** One minute.

**WAYNE:** --in our caucus that I'm going to Education to replace McKinney. And I've been consistent that there has to be a person from north or south Omaha on education every year that I've been down here. In our first two years, that didn't happen. Senator Vargas went to Appropriations and so did Senator McDonnell and I wasn't on there and that bothered me the whole time. So that's what it's about. It's been the same way, my being consistent. And so I'm not going to change that, nor am I going to apologize for standing up for being on Education. That's our most critical need and that's the biggest need effect in my community. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Wayne. Mr. Clerk, for new bills and items.

**CLERK:** Thank you, Mr. President. LB202, introduced by Senator Walz, a bill for an act relating to the Pharmacy Practice Act; amends section 38-2891; provides for vaccine administration by pharmacy technicians; harmonize provisions; repeals the original section; declares an emergency. LB203, introduced by Senator Riepe, is a bill for an act relating to the Nebraska Workers' Compensation Act; amends section 48-146.02; provides for the release of employee medical records as prescribed; and repeals the original section. LB204, introduced by Senator Riepe, is a bill for an act relating to Medical Assistance Act; amends section 68-901; establishes reimbursement for pharmacy dispensing fees for pharmacies participating in the medical assistance program; harmonize provisions; repeals the original section. LB205, introduced by Senator von Gillern and others, a bill for an act relating to public lettings and contracts; adopts the Government Neutrality in Contracting Act. Additionally, Mr. President, announcement: the Rules Committee will meet in Room 1525 at 1:30 on

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Thursday, January 12, 2023. Rules Committee, 1525, 1:30, Thursday, January 12, 2023. That's all I have at this time, Mr. President.

**HANSEN:** Thank you. Mr. Clerk. Senator Day, you are recognized.

**DAY:** Thank you, Mr. President, and thank you to Senator Wayne for his discussion about why he wanted to be on the Education Committee. I appreciate what he said and that is also why I appreciated him letting me know ahead of time that it was my seat that was going to be removed from the committee because Senator McKinney was likely moving on to be Chair of the Urban Affairs Committee. I don't disagree with him that that is something that we need on the Education Committee and that is-- it is important for him to be there. He and I had discussed ways for he and I to both be on the committee. Apparently, the other members of the caucus did not even want to consider that option and so therefore, I'm not on the Education Committee. And again, this is not about preferences or us being upset about the committees that we've been put on. My Mondays are going to be spent in General Affairs and we get to talk about exciting things like liquor, gambling, cemeteries, libraries. Who doesn't love libraries? I'm happy to be there. I'm excited to be there. Again, as I mentioned the other day, Tuesdays are going to be spent on Urban Affairs. I have two new committees that I get to sit on, two new areas of policy that I get to spend learning about and understanding. I get to participate in floor debate more fully because I'm going to have two content areas that I'm going to have a better understanding of. That is a benefit to me as a senator. That is a benefit to my constituents. It has absolutely nothing to do with us being upset with the committees that we've been assigned to and anyone who says that has not been listening to the debate. It has everything to do with procedures that are followed to decide what committee membership is going to be. And as much as I understand Senator Wayne's concerns, those are not the factors that are determined-- that are used in, in determining who is put on what committee. Incumbency is the first thing. And so I would have been the incumbent member of that committee so that second seat from caucus two should have been mine. It wasn't and it's not. We're never going to agree and that's fine. A while back, I was discussing with Senator Linehan the potential of having a CD 2 seat traded out for a CD 3 seat and she mentioned the Governor. She got back up on the mike and talked about it had-- the Governor had nothing to do with who's going to be on what committees. She just reads the paper and that's where she gets the information from. Even if she read it in the paper, even if, even if-- I read the paper too so I know what the Governor wants to do with school finance. I'm aware of what his wishes are when it comes to

education policy in the state of Nebraska. And with all due respect to Governor Pillen and Lieutenant Governor Kelly, they are a completely separate branch of government. So what they want to do with legislative policy in the state has nothing to do with what we're doing in here. So whether you read it in the newspaper or the Governor told you directly, that never factors into how we vote on bills, or at least it shouldn't. It should never factor into how you vote on bills, to who gets on what committee, what bills get out of committee, what bills get priority over others. We are a completely separate branch of government. I went to school to study political science so maybe I understand that better than some of you. But when you are allowing the Governor to directly influence potentially who's on a committee, what bills get out, how you vote on the floor, you are literally decimating--

**HANSEN:** One minute.

**DAY:** --the separation of power. Thank you, Mr. President. You are decimating the separation of powers. You are giving your power as a senator away. As a Unicameral, we have 49 senators. You as a senator in this Unicameral have more power than in any other legislative branch in the country and you give it away to the other branch. It makes no sense to me. Why do you work so hard to get here if you're not going to make up your own mind, if you're not going to make objective decisions about where people should go on committees, about how you should vote on something? I wish we had better people running for office. People who could make decisions for themselves and didn't rely on another branch to tell them what to do. We had eight years of that already. We don't need eight more years.

**HANSEN:** That's time, Senator.

**DAY:** Thank you, Mr. President.

**HANSEN:** Thank you, Senator Day. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. Just before I have a chance to re-address the reconsideration motion from my friend, Senator Hunt, I do just want to acknowledge something in my comments. I've always been impressed and grateful for the willingness to continue dialogue, to find some levity, even in challenging situations that my colleagues in this august body have always exhibited during my past term of service. And then what are we on, day three or four here together in this go around? And that has continued

forward and I'm very grateful for it. So just as a point to note in regards to maybe some who are listening to this debate and who haven't had a chance to hear or see those other interactions or people who are watching at home, we continue to be in dialogue. We continue to find moments of levity. We continue to find opportunities to work on substantive legislation together. We continue to talk about the best way to structure these really challenging debates. So those positive construction-- constructive conversations continue to happen with a lot of energy and heart and humanity and skill, and I'm very grateful for that. I also want to acknowledge and provide some gratitude to my friend, Senator Erdman, who is managing a very challenging situation as the Chair of the Rules Committee with a lot of proposals before his committee. And I appreciate his leadership as a Chair in pushing back on an effort to fast track that Rules hearing and to keep the public from participating in a robust way or other senators. So having a few more days to review the substantive measures that have been proposed for both ourselves and other key stakeholders is, is deeply, deeply appreciated. And I, I really appreciate Senator Erdman's leadership in that regard because, again, colleagues, I am concerned about a pattern and practice. Here we are on day just three, day four, where we have a session in disarray as a failure of leadership because we're not honoring our rules as written, which I've already discussed multiple times in the record so I won't redraw your attention to the existing citation. I do think that it is valuable and important to have some transparency and some sunlight on the process so that new members have an understanding about what happened, so that the broader stakeholder community has an understanding about what happened. And that we can recognize that this level of disarray in this process should be remedied in the future so that we can have clear expectations, so that we can have more uniformity, so that we can ensure more fairness. And so I had a placeholder rule into the Rules Committee in that regard and then have been working to delineate in greater detail how this caucus system in Committee on Committees-- Committee on Committees caucus process works moving forward. And again, I've served in that role. I understand it is a thankless and challenging task in-- under the best of circumstances. And it's kind of incredibly challenging just even based on time because you're waiting to see how the elections come out. You're waiting to see how the chair elections come out. And then you're trying to balance the preferences and the seniority and the incumbency and the personal and professional backgrounds that will make a rich and vibrant committee structure and process to help us get good result when doing the people's business. So--

**HANSEN:** one minute.

**CONRAD:** Thank you so much, Mr. President. So I look forward to continued debate. I will always honor my pledge to bring a constructive tone and to bring thoughtful solutions to issues facing this body and the state of Nebraska. Whether that's our internal rules and whether or not we adhere and honor them, or whether that's substantive legislation that impacts our constituents in our state as a whole. So I think it's a good and healthy thing that we have so many people interested in bringing forward different ideas in relation to this committee report, that it dovetails nicely into setting up a thoughtful conversation about the rules debate, which is fast approaching. But I do want us to also remember that we need to ensure that we have a thoughtful process and a thoughtful result and that we keep those conversations happening to find opportunities--

**HANSEN:** That's time, Senator.

**CONRAD:** --to work together. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Conrad. Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I would echo some of Senator Conrad's comments there. I appreciate Senator Erdman giving us the time to consider the potential rules amendments before the hearing and moving it back to, I think I heard Thursday at 1:30, which is good and that's helpful. It's also a demonstration of the fact that we can take corrective action without a serious offense and consequence to make sure that this place functions in a way that is fair to everybody, fair to our constituents, and that will create a process that can have a good result. And so here we are on the motion to reconsider of the vote on the motion to recommit the Committee on Committees report. And so I would urge those who voted to not recommit the bill to reconsider their vote in light of this change. I think this is still the opportunity to reconsider, actually reconsider what we want to do and how we want this place to function and how we want it to work. And so we have an opportunity, again, to reconsider that vote and then recommit the, the report and make some changes, whatever they may be, in consultation with the folks who are asking for a change and see where we can get. See if we can actually move forward with a process that will function more equitably for everyone. So I would encourage folks to reconsider that vote. I don't-- I think I've got a bit more time so I can talk about the rules that I was going to

talk about earlier, very early in the day, and that Senator Conrad mentioned, which is that one about in absence of controlling rule to cover specific situations and in absence of controlling custom usage and/or precedent. So again, we're talked about-- and we've heard a lot of folks talking about seniority and consideration. And what it sounds like is we've had-- when it's convenient, we've used seniority as, as a-- both a sword and a shield. We've prevented folks from moving by granting the privilege or the, the consideration of seniority. We have used that-- the custom and precedent of seniority to place people in certain committees, to give people a preference. But when it was inconvenient and it didn't support the outcome we wanted, we've said we are not using seniority. It's not something that we consider and we've ignored that usage and precedent. And actually, Senator Erdman and I had a conversation a while back about when does something that is a custom or usage or precedent, when does it change? How, how does something become a new precedent or a new custom? Because that is a possibility. You could-- over time, something else becomes custom. When you have two, I guess, contrary points, is there a point at which it becomes-- is it an evolution or is it, it just an automatic change in the use and custom? Because certainly, you can't say we used to do it this way, now we're doing it this way. That is not a continued use of custom. So what we've heard here is that we are, at one point, using the custom of seniority and in other points, we're not. The rules clearly state that we--

**HANSEN:** One minute.

**J. CAVANAUGH:** --must rely upon-- thank you, Mr. President. We should rely upon that custom. We should rely upon that precedent. And we should do it in all situations and not just where they're convenient. And that's fundamentally what the problem is here, is where we're picking and choosing when to apply the rules. And if we get into a situation where we're doing that, not just here, we could be doing it other places. And the reason people should reconsider this vote and people should move to recommit is because at some time, you will be the beneficiary of a divergence from the customs and the rules. And sometimes, you'll be-- it will be used against you. And so you want to consider that. You want to make sure that the rules are always employed equitably and as-- equally against everyone. Otherwise, you don't know when the rules are going to be coming for you. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Cavanaugh. Senator Lowe, you're recognized.



**LOWE:** Question.

**HANSEN:** The question has been called, Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? Record. Mr. Clerk.

**CLERK:** 22 ayes, 8 nays to place the house under call.

**HANSEN:** The house is under call. All members, please return to your seats. All unexcused senators outside the Chamber, please return to the Chamber and record your presence. The question is-- Senator DeBoer, please check in. All unexcused members are present. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Roll call vote has been requested. Please read the roll.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no, Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz, voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 31 ayes, 15 nays to call the question, Mr. President.

**HANSEN:** The debate has ceased. Senator Hunt, you may close on your motion to reconsider.

**HUNT:** Thank you, Mr. President. Colleagues, I won't withdraw this motion. We can vote on this. But I wanted to also thank Senator Erdman. He came and talked to me personally and said that he agreed with me and that on Friday, when he received 52-plus rules requests, he thought that Tuesday was also a little bit soon for a hearing. And so he has agreed to change the hearing to Thursday. Nebraskans, that means that hopefully you will have a little bit more time to look at the actual text of those rules, to give them some consideration and to reach out to your representative, your state senator, and tell them what you think of them. If you have the time and the ability, I do encourage you to come down to the Capitol and testify on those rules because that's your right. This is your house and this is one of the things that you have the right to do here is participate in these types of hearings. Another request I will be making that I think my office already made is I would like to have this Rules hearing on Thursday streaming online. Typically, our committee hearings are available online. You can watch them live. And I think that the Rules hearings should be the same. According to the clerks-- I think somebody reached out to the Clerk's Office who's a Nebraskan and asked if it would be streaming and they said no, that that would be under the discretion of the Speaker. So a person reached out to me to see if we could request that that be streamed. And so I've put in that request to the Speaker because as The Washington Post says, democracy dies in darkness. And the more transparency we have around this, the better. Why is it different if somebody could come in off the street and walk into the Rules hearing and listen in person? Then that ought to be streamed too because it's really the same thing. So I think that that's also something we need to consider for Thursday. Colleagues, we have processes in place for a reason. And while a lot of this might not be a convenient process to you today, this might not be your favorite day or your favorite way to see things getting done, there may be a time in the future where the process will help you. Or the process is something that you need in place in order to protect the work that you're trying to do, to protect fairness in debate and the ability to have open debate and analysis of the issues that are coming before us. So that's why we follow these processes. It's so that everybody can have an equal voice and everybody can have their concerns heard and addressed. And I want to thank Senator Erdman for addressing my concern and requests as well. You know, lest any of you think that you are not rooted in the nonpartisan nature of this body, I would remind you that you won a nonpartisan election to get here. So this is an institution that has produced your power, that you have participated in. And I have to at least respect Senator Erdman because

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he's trying to make it a partisan body just openly. Like, he's always run on that. He's always said that. And for that reason, you know, I respect him. I get that. I know that that's important to him. But for those of you who talk out the one side of your mouth saying respect the institution, respect the process, oh, my God, Nebraska's so special and cool. It's so fun that we have the nonpartisan Unicameral, then out the other side of your mouth, you do everything possible to undermine that process and institution. I know who you are and Nebraskans know who you are too. So with that, I'll close and we can take these things to a vote. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Hunt. The question before the body is Senator Hunt's motion to reconsider the motion to recommit the report to the Committee on Committees. All those in favor vote aye; all those opposed vote nay. Roll call vote has been requested. Mr. Clerk, read the roll.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting yes. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 13 ayes, 32 nays to reconsider.

**HANSEN:** The motion fails. Mr. Clerk for a motion.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to adjourn the body until 10:00 a.m. on January 10, 2023.

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**HANSEN:** There's been a motion to adjourn. Mr. Speaker, you are allowed to speak to this per the rules.

**ARCH:** Thank you, Mr. President. Colleagues, I would ask you to please vote this down. We need to vote on this report today. We've gone this far and we need to finish our work so that the committees can be formed. So I would ask you to vote no on the motion to adjourn. Thank you.

**HANSEN:** Thank you, Mr. Speaker. There's been a motion to adjourn. All those in favor say aye. All those opposed say nay. A record vote has been called. Mr. Clerk, please record. Have all those voted that wish to? Please record.

**CLERK:** Voting aye: Senator John Cavanaugh, Machaela Cavanaugh, Conrad, Day, and Dungan. Voting no: Senators Aguilar, Albrecht, Arch, Armendariz. Ballard, Bostar, Bostelman, Brandt, Briese, Clements, DeKay, Dover, Erdman, Frederickson, Geist, Halloran, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobsen, Kauth, Linehan, Lippincott, Lowe, McDonnell, McKinney, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Not voting: Senator DeBoer. Vote is 5 ayes, 40 nays to adjourn, Mr. President.

**HANSEN:** The motion to adjourn fails. Mr. Clerk for a motion.

**CLERK:** Mr. President. Speaker Arch would move to suspend the rules, Rule two, Section 10 and Rule 7, Sections 3 and 7, and vote on the adoption of the Committee on Committees report without further debate or motions.

**HANSEN:** Senator Arch, you're recognized to open.

**ARCH:** Thank you, Mr. President. First of all, I-- like others have echoed, I also want to thank Senator Erdman, as Chair of the Rules Committee, for postponing that Rules Committee meeting to provide more time for review, given that, that he has received over 50m 50 proposed rules, which is a very unusual year. So the time is, is, is very appropriate, that we would take time to review those and make sure that we understand.

**HANSEN:** Excuse me, Mr. Speaker. The-- I'll raise the call, sorry.

**ARCH:** OK. Thank you. OK, so I did, I did file this motion. And it is a motion to suspend the rules so that we can vote on the Committee on Committees report without further debate or motions. We have gone at,

at this about five and a half hours from-- I believe, somewhere in that, somewhere in that area. But at any rate, we've-- and, and I want to say something because this is, this is kind of the beginning of our session here. And, and you can see how rules and motions-- for those freshman senators, you see how rules and motions are used in this process. And that's, that's what we have. We have our rule book. But I really appreciate-- and I, and I mean this very sincerely, I, I appreciate the civility of this debate. Yes, we've made maneuvers. Yes, there have been rules. Yes, all of that. But I, I appreciate the civility in how we have discussed this. So I, I hope that we can continue that throughout, throughout our session. But we do need to move on. We need to, we need to form our committees. We need to do the work. This committee report--and we've had this discussion many times over these last hours, but the committee report was advanced to the floor on a 12-1 vote. So respecting the work of the committee, we now need to, we now need to give it an up or a down vote. And I want to read Rule 3, Section 2(b) because I don't think that was ever read in our debate. But here's what it says: Once the final report is presented to the Legislature-- referring to this committee report-- no amendments shall be considered. If the Legislature, by a majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to the committee for further action. So even within our rules, while we have been debating over time this, this motion to recommit, there was already a process for that to occur. It's an up-or-down vote on the floor. You accept the report, you don't accept the report. You can't amend the report. You can't make the changes and start, and start that process on the floor. But that, that, that process was already written into our rules. So we have had the debate on recommitting. My request to you so that we can move on, we can get the Rules Committee formed, we can get all of our committees formed and begin the work, is obviously that we-- I ask you to vote yes on the suspension, the rule suspension that I have-- the motion that I have. And once that is done, I would ask that you vote yes on the report and I would ask for a call of the house. Thank you.

**HANSEN:** Returning to debate. Senator Machaela Cavanaugh, you are recognized. Senator Wayne, for what purpose do you rise?

**WAYNE:** I rise for a point of order. I don't remember if dividing the rule is under, but you have to rule on that before you move. So we'll stand at ease until we figure out the ruling on that. But my motion is to divide takes precedence over debate right now.

**HANSEN:** Senator Wayne, please come forward. It is the rule of the Chair that the motion to suspend the rules is not divisible. Senator Wayne, for what purpose do you rise?

**WAYNE:** I move to overrule the Chair.

**HANSEN:** There's been a motion to overrule the Chair. There's been a motion to overrule the Chair. Senators, you may speak once. You cannot yield time. Senator Wayne, you are recognized to open on your motion to overrule the Chair.

**WAYNE:** Thank you, Mr. President. Although you cannot yield time, you can yield to a question and that question may be open-ended for me to keep talking. So the reason I, I-- one, I didn't have a copy of the rule. And so for people who are watching, suspending the rules is a higher threshold. It takes three-fifths. It's very, very important. So we just don't spend them willy-nilly. Now, there is precedent for suspending more than one rule. One year when Senator Chambers were here, they actually suspended multiple rules in one motion because he wasn't here that day. And they wanted to move things from first reading to Final Reading all in one day. So there, there is precedent. I don't agree with the precedent. I think you look at the plain language and you move to suspend a rule, you have to move to suspend each rule. By combining multiple rules, I think you conflate the argument. You make a compound question that's unnecessary. So I think that's my argument one of why we should overrule the Chair. Two, I don't, I don't think suspending these rules actually accomplishes what the Speaker wants to accomplish. I think it actually-- if there is no motions for reconsider or a motion to file a motion, then it goes to Mason manual and I can continue to keep reconsidering things as much as I want. So if we-- I think we need to be careful because Mason Manual, if it's not talked about specifically in our rule, governs. So if you don't know Mason Manual or have a copy, I'm probably one of the only people who have a copy in here because, yes, I am a, I'm a nerd. So just be careful of that. So the rule is Rule 2, Section 10. He's trying to suspend Rule 7, Section 3 and 7 and vote on-- OK, here's the other reason why I think the Chair is wrong. This does not take precedence Speaker and Mr. Clerk. You are also asking to vote on the adoption of the Committee on Committees. So you're not actually voting to suspend the rules. You're also voting for affirmation to vote on something. That is not historical. Mr. Clerk. I think the previous rules had to do with suspensions of the rules, but not the and vote for something else. So not only are you suspending the rules, you are adding a rule by telling us we have to vote on something right now.

That is improper. If you want to withdraw this and, and do a motion just to suspend the rules, that's fine. But I don't think you can suspend the rules and require the body to vote on something at the same time. I think that is [RECORDER MALFUNCTION] And that's not something we want to start walking down, suspending the rules and requiring us to vote on a topic. Think of how we just throw out the whole rule book by doing that. So I would encourage you to vote to override the Speaker-- I mean, the, the President in, in this case and actually having them write the right rule, which would be the suspend rule to Section 10 and Rule 7, Section 3 and 7, and then have a separate motion before the body to vote on the report, which is already on the board. So I think this is an improper motion to suspend the rules and therefore we should vote to overturn the Speaker. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Wayne. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. So this just gets more interesting as it goes by. So I would encourage everyone who has been voting to essentially honor the initial Committee on Committees report to really consider the conversation today. And I apologize if any of the remarks I have made have come across as whining or sour grapes. They're not. I'm fine with where I am. I truly am. I've served there for four years. I like the committees that I'm on. I, I prioritized a different committee because I am a bit of a budget junky, you might say. I read the budget. I don't mean just the budget report that we get from the committee, but I read the actual budget and I cross-reference with the departments and the programs to see what the changes are and the language in it. And so, like, I love, I love budgets. I love spreadsheets. I love binders. That's me. I also crochet and Hula-Hoop on the weekends. But what my concerns are are the process of all of this. It is the process that is really important. And as you will come to realize, you might think you've got me now, but you'll get it in the end, too, because these rules exist for a reason. And you can use the rules against me. And you should if you want to. And I can use the rules against you. And I should if I want to. But it is important. These norms, the societal norms, the, the culture of this, this Chamber. I'd like to say this institution, but to be perfectly honest, I don't, I don't feel like the Unicameral right now is the institution that it was even four years ago, which is really disappointing. I have been on the receiving end of a lot of partisan high jinks over the last four years, and, and that's been tough, really tough. And I've done it with whatever committee

assignments I've been on or not been on, for that matter, which is pretty much anything. I've never been on one of those standing or special committees that are in our book for committees. I've only served on the YR-- Youth Rehabilitation Treatment Center Oversight Committee. And mostly that was because I was on HHS, and I don't think other people wanted to travel the state to go visit those facilities. Also, I was a freshman, so maybe people didn't feel strongly about making sure I was ineffective, but that's fine because they followed the rules. Every single time something has been done to make sure that I don't accomplish whatever it is I'm trying to accomplish has been done through the rules. We have cultural norms for a reason and we need to honor those cultural norms. I don't want to kick anyone off their seat. I don't want to take anybody's seat. But I do think it is important for us to have this conversation and for everyone to listen. I honestly don't expect the outcome to be any different. Even if this report were voted back to the committee, I don't have a great deal of confidence that many changes would be made. That's not the point of the debate here today or on Friday. The point is that we didn't follow our own processes and when we don't do that, we lose ourselves. Some of you may be very comfortable with this being a partisan body, but you will learn very quickly that there's more than just Democrat and Republican or Independent or whatever party affiliation in this body. There is urban and rural. There's business and--

**HANSEN:** One minute.

**M. CAVANAUGH:** --small business, there's all kinds of different landscapes happening here at any given point in time. And to think that by doing something in a partisan way is going to benefit the Republicans in the body is inaccurate. And those of you who are in the minority in the rural areas are going to learn that very quickly, very, very quickly that this is not how you want things done because it is going to hurt you and it is going to hurt pretty bad. You can ask some of the people that were term limited out if they had it to be this hyper partisan, it would look a lot worse for rural Nebraska right now than it does because we're nonpartisan. Urban and rural divide is just as big and just as strong as Republican/Democrat. And let me tell you, those urban Republicans don't need you as much as you think they do. So I would--

**HANSEN:** That's time, Senator.

**M. CAVANAUGH:** --be very cautious. Thank you.



**HANSEN:** Thank you, Senator Cavanaugh. Senator Conrad, you are recognized.

**CONRAD:** Thank you, Mr. President. And good afternoon, colleagues. Just before I jump into my remarks, if just as a point of order, if the Chair would remind me on this, I know it's-- we each have one moment to speak, one opportunity to speak, and we can't yield time. But is it five minutes or ten minutes? I just couldn't remember the time frame typically afforded.

**HANSEN:** It's five minutes.

**CONRAD:** Thank you so much. I appreciate that. So I, I want to be clear, colleagues, after eight years of service and a few additional days here in 2023, this should be an incredible red flag to this body and all observers and stakeholders. I'm not quite sure I perhaps ever was part of a motion to suspend the rules outside of perhaps something very, like, technical for maybe a bill to be introduced later on when a significant breaking news kind of situation happened or something like that. But here on the first few days of session, when our Speaker had committed to go back to an 8-4-2 kind of proposal in regards to matters before this body, here at five and a half hours in on one of the most foundational aspects of organizing this Legislature, the Speaker, the Speaker has thrown up a motion to suspend the rules. Let's go back just a few days in time together. Senator Erdman made the motion to adopt these rules. They were adopted unanimously by each of us in this body. We made a commitment to each other and the state to adopt and honor these rules. Five and a half hours into debate, the Speaker has let disarray carry the day, and now he seeks to perpetuate that by suspending the rules, by suspending the rules, by walking away from that commitment we made to each other and this institution unanimously after five and a half hours of debate. Think about that. I know as new senators it can be intimidating or overwhelming or disconcerting to overrule the Chair or to stand against the Speaker. It-- it's never personal and it shouldn't be. It should be about policy. It should be about precedent. It should be about honoring our oath and the commitments we made to each other. We each agreed to adopt these rules. It passed unanimously under Senator Erdman's motion. And five and a half hours into debate, into a session in disarray, the Speaker suspends the rules, multiple rules. So we are not even going to have an opportunity to know, maybe people would be fine with some or not the others being suspended. But here we are, fast-tracked to stifle debate, to end dissent, to perpetuate a pattern in practice of my way or the highway no matter the precedent. Five and

a half hours into debate, this is where we are. And what a sad state of affairs. I've heard rumblings on the floor from some of the people supporting this effort. When do we get our Legislature back? When do I get my Legislature back? And I think that's really troubling and disappointing because this isn't the Speaker's Legislature. This isn't Senator Hunt's Legislature. This is not my Legislature. This is the people's Legislature. This is the first institution recognized in our constitution. It is the only deliberative body on the state level in the state of Nebraska. And it can't-- the Speaker is telling you it can't tolerate five and a half hours of debate on rules that you asked to be adopted--

**HANSEN:** One minute.

**CONRAD:** --on a key foundational principle. Thank you, Mr. President. Additionally, I want to also be clear that this may or may not go, but I think it's going to be a Pyrrhic victory. And I'd ask people to think very carefully about how they proceed in that regard, because the debate will continue. Dissent won't stop. And there has been some arguments made, and I'm going to move to support the motion to overrule the Chair, because I understand the motion is not divisible, but I do not think it is in order to touch upon multiple subjects, multiple sections of rules. I think that it is a singular approach only and that any precedent that has allowed otherwise is distinguishable not analogous in terms of the historical context. So I am happy to answer questions. I'm happy to continue the debate. I appreciate the opportunity to--

**HANSEN:** That's time, Senator.

**CONRAD:** --weigh in, but this is a grave matter and I ask you to overrule the Chair. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Conrad. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. So-- well, I rise in opposition to the motion to suspend the rules. I, I think I agree with Senator Conrad's analysis that she just articulated. But I wanted to speak to the underlying motion to suspend the rules. So I've said on this floor before, and I know those who have been here long enough had heard Senator Chambers recount the story from "A Man for All Seasons," which is a movie about Sir Thomas More, Saint Thomas More. And there's a particular scene that I've been thinking about a lot in the last day

or so as we've been contemplating these rules. We've been talking about how people use rules against people and others. And the scene is where Saint Thomas More is talking with, I think, it's the son-in-law about a particular man in his orbit and he wants him to go after him because he's a spy for the other side. And he says that he hasn't-- basically hasn't caught him doing anything particularly wrong, but they know he's done something wrong. And he says-- turns back to the son-in-law and he says, would you cut down all the trees in England to pursue the devil? And he says, if the trees was in your-- tree, tree was in your way, and you needed to cut it down to get to the devil, would you do that? And he says, yes, of course, I'd want to capture the devil. And he says but what happens when the devil turns back around upon you and you don't have any trees to hide behind yourself? And he said, no, I would rather have all of the trees in England as my protection than to cut them down in pursuit of the devil. And what he's saying there is that when you cut down the rules that protect everyone, they can-- that you are no longer afforded the protection of those rules. And that is why this conversation is so dangerous right now. That's what-- why where we're at. Suspending the rules for expediency is an extremely dangerous thing to be doing. Because when we suspend the rules just to get something done that we want to get done because people are taking-- using the rules properly, mind you, to their advantage or to pursue their agenda. If we go and suspend the rules now, because it you're not getting what you want, what happens when someone else wants to suspend the rules to prevent you from doing something? The rules are here to protect everyone. The rules are meant to be used by all people equally. And if you do not stand up to protect the rules when they're protecting someone else against you, then the rules will be used-- will not, will not be there to protect you. And that's why this is important. Make sure that you be conscious of that. Don't make a vote here in the interest of expediency because you're annoyed, you're hungry, you're bored. You want to move on to something else. Remember that if we do this, this is going to be the way that this Legislature is going to function. We will suspend the rules whenever convenience dictates it, and then we will not have order and you will not have your rights as an individual member of this Legislature. And so that's why I rise in opposition to this rule-- the motion to suspend the rules. And I would ask if Senator Wayne would yield to a question.

**HANSEN:** Senator Wayne, will you yield?

**WAYNE:** Yeah. Yes.

**J. CAVANAUGH:** Senator Wayne, you brought this motion to divide the question to suspend the rules, and now we're voting on the overrule of the Chair, did you have anything you wanted to say?

**WAYNE:** Yes. So thank you, Senator John Cavanaugh. So I can't get up here and argue to follow the rules when the rules is clear about whether this is divisible. I just didn't have time to get everything organized.

**HANSEN:** One minute.

**WAYNE:** So the rule says-- Rules Section 2 of Rule 2 that a, a machine vote, so we can't even do reverse order or regular order, but a motion shall not be amendable or divisible. Whether I agree with that rule or not, that's in our rule. So I would ask the Chair to withdraw my motion to overrule the Chair.

**HANSEN:** The motion is withdrawn. Returning to the queue. Senator Vargas, you are recognized.

**VARGAS:** Thank you. Actually, what I appreciate what Senator Wayne did is he's honoring our existing rules because he just read it and he's just adjusting course. Look I, the reason why I wanted to chime in here is because, well, two reasons. One, I think what we heard from many people, not only from Senator Wayne and Senator Conrad and others and even Senator John Cavanaugh, is these rules are meant to inherently protect us. And we did abide by all these rules. And it may not seem like it because we haven't been operating for very long. And I understand the frustration. You know, I had a brief conversation with our Speaker that, look, we don't, we don't have our committee assignments. We have-- our committees aren't set. We're not able to do the work that we inherently been asked to be here and voted to be here to do this work. And it is part of that process. But the rules that we currently do have also enable us to have these conversations and don't dictate that we just approve the report, but allow us the ability to debate the report and whether or not we agree with it and whether or not it could be sent back or, or not. This is inherently in the rules that we agreed to. It allows us to have these debates. And from here on in, every single debate we have, there are these same set of rules and potentially some amended rules after we have the rules procedures and hearings that are going to further protect every single independent person's voice. There are extenuating circumstances that come up where we have to be able to suspend the rules. That absolutely exists. I just don't believe we're yet in an extenuating circumstance

where we need to do this. And if we were, I think what we would instead feel is less of a frustration that we're having. Some people want to be done with this conversation and some people want to continue to have this conversation. But instead we have extenuating circumstances, like during the COVID-19 pandemic where we had to suspend the rules during specific moments to then get through bills quicker so that we can adjourn quicker. These are extenuating circumstances where we are in battle or in conflict with things that are outside of our power or nature, and we have to get certain work done. We are still early in the session. These debates are important for establishing the kind of culture that we have, and I also want to make sure that people feel like when they utilize it, which sometimes happens, every once in a while, a senator is going to utilize the rules to fight something that they agree with or disagree with. Often they disagree with, and they're utilizing the rules within the structure that we've established and accepted. And that tool is extremely important. And when we utilize it, haven't really utilized many of those tools, we want to make sure that they are held sacred. So I just ask that we take this extremely important decision and we're really thoughtful about the precedent that we're setting early on in the session, which I think is going to be important for how we, how we do everything together and how the Speaker governs and, and, and the work that we do together. But this is something that I want to make sure that we are upholding the precedent that we're setting, that it's really for extenuating circumstances and not the five hours of debate that we're having and that has been civil to what I have seen and heard and will continue to be civil. And that's, that's my two cents. Thank you.

**HANSEN:** Thank you, Senator Vargas. Senator Dungan, you're recognized.

**DUNGAN:** Thank you, Mr. President. I rise today in opposition of the suspension of the rules. I don't want to start echoing exactly the same things that have already been said, but I think it oftentimes bears repeating so people can understand exactly what's going on. As I've already said, and I'll probably say multiple other times, I'm new here, and so I am trying to familiarize myself with the rules. But one thing that's been made incredibly clear to me through the beginning of this process, both prior to being elected and since I've been elected, is that the rules matter. One of the things that was ingrained in us during orientation and that all of the mentors I've picked up along the way have said to me time and time again is read the rules. You have a rule book, read it. If you want to be an effective senator, know the rules, understand how the rules affect you, how they affect

others, and understand what you can do to utilize those rules to make sure that we are governing responsibly. I think that when we're talking about suspending the rules, I want to echo the sentiments that others have said, which is that's an incredibly serious decision. And making that decision is one that we should not take lightly. It's day four of the Legislature, I think. I understand we're all probably tired. We're all probably frustrated that we can't move on to other things. And so I understand the, the impetus behind this. But at the same time, as I said prior on my last time on the mike on another issue, we were sent here to have these debates, and I don't think we should shy away from the tough conversations or shy away from the things that we're talking about. And the conversations were having around these issues of committees and now rules all center around whether or not we are governing responsibly. And when we start talking about suspending those rules, I think that people understandably grow concerned. For those who don't know, prior to me coming to the Legislature, I worked as a public defender. And so I was in court almost every single day. And one of the things that we had in court was a judge and a set of rules. And those rules applied to me the same way they applied to somebody else, to everybody else in that courtroom. And it gives you a sense of comfort knowing that you are actually confined to a certain set of rules. And so I think the rules are what make us the body that we are. We adopted these temporary rules prior to today. That was something that went by pretty quickly. And we all agreed those temporary rules are something we should abide by. And so as we sit here today, having these debates and having these conversations, I'm simply just hesitant to suspend those rules and try to move on. That being said, I think that Speaker Arch has been doing a great job of trying to move these things along. And I think Speaker Arch is trying his hardest, obviously, to make sure that all voices are being heard. And so this is with no ill intention that I rise in opposition to the rule suspension. But I think that we are a body of rules, we are a body of laws, and those rules should be protected. I think it was John Adams who talked about the fact that we are a country of laws, not a country of men. And if we do away with the laws and if we do away with the rules, then what are we? And again, I would also encourage my colleagues to understand, and I think this is the exact same thing that Senator John Cavanaugh and Senator Vargas just said, along with many others, is that if the rules get suspended here today, I think it sets a somewhat ominous precedent that if you are up debating and having a conversation about something that you believe in and that goes on for too long, perhaps the rules could be suspended there as well. And so I think we should abide by the temporary rules

that we've adopted. I think we all agreed on those just a few days ago. We should honor those rules. And if I have some remaining time, I do have a question for Senator Wayne, who I don't see anymore. I have a question for Senator Conrad then.

**HANSEN:** Senator Conrad, would you yield?

**CONRAD:** Yes, of course.

**DUNGAN:** Senator Conrad, you've obviously been in this body before. Can you, I guess, give us a little detail or history about whether this has happened in the past? I know somebody spoke before about Senator Chambers one time being in a situation where this happened. I've only been watching the Legislature in great detail--

**HANSEN:** One minute.

**DUNGAN:** --the past few years. So can you give us a little historical context for precedent here as well?

**CONRAD:** Sure. Thank you, Senator Dungan. I'm not sure I can provide a, a full picture in terms of the historical context, but I can speak to my experiences serving for eight years prior. And like I said, I, I don't remember off the top of my head a suspension being brought forward this lightly or this early or this cavalierly. It was in regards to extenuating circumstances essentially beyond the control, maybe unforeseen circumstances beyond the control of the Legislature. The only reason the Speaker has given for filing this motion is because we need to get it done because I said so. That does not rise to the level of an extraordinary reason to suspend the rules that we have all agreed to including the Speaker just five and a half hours ago. Thank you.

**DUNGAN:** Thank you, Senator. Thank you, Mr. President. I'd yield the remainder my time.

**HANSEN:** Thank you, Senator Dungan. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. This is no good. We cannot be suspending the rules whenever we want to. And this is the clear partisan creep that has pervaded my entire experience this session from the beginning when we selected our members from Committee on Committees in our caucuses. It's this partisan creep of overturning precedent. Because guess what happens when we overturn precedent? We set a new precedent, a new loose partisan precedent that, you know,

two, four, six, eight years from now, people will look back and say, well, in 2023 they did it that way. So it's completely normal. That's this-- the danger of this creep is that, you know, today we go with what Arch wants to do, what, what Speaker Arch wants to do, and we suspend the rules so that we can steamroll debate, steamroll discussion. Very similar to the point he made a couple-- last week when he was talking about changing the way points of personal privilege are done. All of these things are being done to stop debate and where does it end? Because if we do this, we are setting a new precedent. And the new precedent is what future Legislatures will turn around and look at when they say what's normal. And this is very dangerous. I am a-- I'm very comfortable with chaos. I'm very comfortable with controversy. I always have been. I'm that type of person. But I'm also, you know, a lot of people don't like this, but I'm also really an institutionalist at heart. And I can tell you an example of how this manifested in our Committee on Committees' process. So, you know, there's the precedent of how we select members from our caucuses for Committee on Committees. That, in my opinion, was not quite followed for us. There's a precedent about who is included in meetings. From what I hear from other caucuses, from other congressional districts, that wasn't quite followed either. There's a precedent for how we handle impasses, how we handle it in Committee on Committees when members can't agree. Typically, what happens when members can't agree is someone has to concede or you find a third way. We never open it up to the full committee for a vote. For each slot available to a caucus, that caucus votes internally. We never open it up to the full committee to say CD2 can't decide. So CD1 and 3, you tell them what to do. That's never happened. That would be an insane precedent to break. So the point is that these stalemates are frustrating, but they're healthy and sometimes it takes time to get through a stalemate. I've been on Committee on Committees before where we were there till, gosh, maybe nine or ten at night, working through stalemates. This year, my experience was as soon as temperatures started rising, as soon as anybody started disagreeing, Senator Linehan would say, everybody, we need to take a break. And Chairperson Line-- Albrecht would say, now guys, if we can't agree, we're just going to put it to a vote of the full committee. Like that was the precedent that was set over and over. This was said by both of them more than, more than once, more than twice. Just starting the expectation that we aren't going to have debate, we aren't going to have disagreement, if disagreement happens, we're going to steamroll it and say, well, then we're just going to put it to the full committee for a debate, which would be a huge break from precedent.



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Because of this threat, Nebraskans and colleagues, let me tell you what happened, because of this threat to put CD2's caucus spaces to a vote of the committee,--

**HANSEN:** One minute.

**HUNT:** --we made a lot of concessions. We gave up some fights. Because as an institutionalist, it is more important to me to protect precedent than to win that fight, especially because there's no way we could have won it. We couldn't have won it. Because as these partisans said, they were going to steamroll us either way. So it didn't matter how much we argued precedent, it didn't matter how much we argued about norms and, you know, how things have been done in the past in the best practices and why it's done that way. It's best practices. It's not just because someone wants to do it this way. There's reasons. There's always reasons for these procedures. But we were told this year in Committee on Committees that we would be outvoted anyway, that we would be totally overruled in our caucus. So that's why we didn't have some of these fights, and that is because we did not want to set a new precedent that the full committee could vote on somebody's spot. We protected that precedent by giving up that fight. And this is not a fight that we should be giving up, colleagues. We cannot suspend the rules whenever we--

**HANSEN:** That's time, Senator.

**HUNT:** Thank you.

**HANSEN:** Thank you, Senator Hunt. Senator DeBoer, you're recognized.

**DeBOER:** Good afternoon, Mr. President. Thank you. Good afternoon to Nebraska and to the colleagues left in this room. When I pushed my light to speak, we were still on the question of whether or not a suspension of the rules with multiple rules was divisible. I found that a fascinating question, and I wanted to know the answer to it. I got called out and I come back and apparently that's not the question anymore. So a little bit-- it's, it's-- things are-- it's a developing story, as they say on the news. I do think that's an interesting question, which might become relevant later. And for the nerdy side of me, I'm interested what the answer to that would be. I will say on the question of whether or not to suspend the rules with absolute respect, Mr. Speaker, in this case, I, I really don't want to suspend the rules. I think that the suspension of the rules is a thing that we need to do rarely and usually from unforeseen circumstances or some

sort of mistake or something like that. And I don't want to make suspending the rules our go-to practice, because then what's the point of having the rules? And I think that that becomes problematic if the rules only apply if the majority wants them to apply, which I don't think is what's happening here, but I, I think that could be a concern down the road if we set a precedent to do this. And then every time somebody doesn't like the way the rules work, they could make a motion to suspend the rules. And if they had a majority of the senators with them, they would be able to make that happen. It seems to me that we need to be careful about that sort of thing because we need to be governed by rules. And I think everyone here agrees that nobody's trying to do that. But this just seems dangerous to me. I will tell you, colleagues, no one outside of the glass thinks we can do this. No one thinks that we, as a body, as 49 people can figure out how to get along, can figure out how to work together, can figure out how to overcome what are, in some cases quite steep ideological differences. And I disagree with that outside perspective. I think we can find a way to work together. I think it's going to require sitting down together with those that we disagree with when we have problems like the ones that have been mentioned by colleagues today. I think it's going to take getting together with them and asking them what's the end game, what's the strategy? What do you want? How do we do that? I think there's a number of things. That doesn't mean it's going to work, but that might be a step in the right direction. No one thinks we can do this outside of the glass, but I know, some of you not as well because you're new, but each and every one of the returning members and many of the new members and I know that you're here for the right reasons. I know that you're here to do a good job. People may call you partisan, but I know that you're individuals. I know that you have been graced with the ability to think, with the ability to think on your own, with the ability to weigh the pros and cons and with a backbone to stand up when you need to against people who would try to suggest otherwise. I know this because you wouldn't be here unless that was the case. You wouldn't be here unless you were here for the right--

**HANSEN:** One minute.

**DeBOER:** --reasons. Because \$12,000 a year certainly is not an inducement to get you here. So I think we can find a way to figure out these differences. I think we can find a way. I think we can find a way best if we have rules in place and we follow those rules as irritating-- and you all know me, I don't-- I get irritated by delay too-- as irritating as it is, I think we, we have to find a way to do

so within our rules and without always suspending them. Thank you, Mr. President.

**HANSEN:** Thank you, Senator DeBoer. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. President. I rise in opposition to the suspension of the rules. But if we are in the spirit of suspending rules, let's suspend the rules and laws of this state and let everybody out of prison. Let's suspend the rules of this state and figure out a way to take the hundred-plus millions, millions of dollars that are set aside for a prison that will not solve our problems in the criminal justice system and give it to kids in school, give it to kids to address the mental health issues in our communities. Let's just suspend the rules to do the right things in society. Nobody wants to do that because a lot of people will stand up and say, you're crazy. Why would we let all these horrible people out of prison? All those, all, all those type of fearmongering things since we're in a spirit of suspending the rules. I don't think we should suspend the rules. I think we should operate how we're supposed to operate. And if not, let's do some things that will make our society a lot better. There's a lot of people that don't need to be in prison, honestly. And if you spent some time inside of our state prisons, you would see that many of them do not need to be there. And again, contrary to popular, popular belief, 90-plus percent of them will be back in society. So you could try to have the tough on crime, throw them away philosophy. But there will be-- but they will be your neighbor someday. And we can either work to improve them as individuals or we won't and we'll keep spending hundreds of million dollars on prisons and criminal justice in this state and call ourselves fiscal conservatives. It doesn't make any sense. It's not a good return on investment at all. But we want to keep spending dollars on it. Let's figure out better ways to address these issues. But, you know, let's suspend rules and figure out a way to let a lot of people out of prison. Let's suspend the rules and get money to our schools, to our impoverished communities in rural and western Nebraska, because I think kids in rural Nebraska need the same opportunities as kids in urban Nebraska and vice versa, because that's what we're here to do. That's what we're here to try to accomplish, make to make this state better for everybody. We can't stand up and say this is the good life because it's a lot of kids and it doesn't matter where they come from, come from or what they look like, they're not having a good life because the basic necessities that they need in life aren't being met because our priorities of a-- as a state have been off for a very,

very long time. We need economic development in rural Nebraska. We really do. Our state needs to grow. We're losing population. We're spending money on criminal justice things because everybody wants to be tough on crime. And it makes no sense because although we spent my whole lifetime being tough on crime, our, our prisons are very overcrowded and people are still going. Communities are still poor and those type of things. So let's suspend the rules to do the right thing if we're going to suspend rules. But if not, let's operate how we agreed to operate last week. Let's run this body how it is supposed to go. Let's be fair. What's wrong with being fair? And outside of being fair, how about let's just be humans. At the core of all this, it doesn't matter if you're a Republican or a Democrat, white, black, Asian, or whatever. We are all humans at the end of the day, and we don't do a lot or stress a lot about humanity and human dignity and human rights and standing up for one, one another. And that's the problem here. We're putting politics over people, and the problem is people are struggling and a lot of people are happy about that.

**HANSEN:** One minute.

**McKINNEY:** And it makes no sense to me. So my advice, let's, you know, figure out a way to suspend the rules, let some people out of prison, give kids basic necessities, improve our educational systems, because my community, our education system is failing a lot of kids, and we've got to change that. So if we're going to suspend the rules, let's suspend the rules to do the right thing. Thank you.

**HANSEN:** Thank you, Senator McKinney. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Well, when I last rose to speak, we were still on the motion to overrule the Chair, and I did speak about my opposition to the suspension of the rules. And I would join in the number of people who are speaking in opposition to the rules for the reasons I articulated. And I think there are a lot of folks here who probably are thinking this falls in the same category of the conversation we've been having the last really two days, Friday and today, and have started to tune out. But you should pay attention to the conversation and you should pay attention to the reason this is different than what we've been talking about. This is about whether or not we continue to push aside the rules when it's expedient. This is about not having a consistent set of rules for everyone. And you might think that today you're on the side that's going to get the better of it. And you will-- maybe you think you will always be on the side that

will get the better of it. But I can tell you, you are not right about that. You will find yourself on the receiving end of a rules change or of a shenanigans or of some sort of misappropriation or misuse of the body if we allow this sort of thing to happen. You might think you're all-- everybody comes in, starts out pretty chummy that obviously kind of devolved quickly into a, a forceful conversation and discussion about what we really mean and what we really want. But you might think you're sitting here and you're bored and you're tired and you thought this would be a quick, you know, just bang, bang, get a couple of days under our belts and move on and do all these things. And so you-- you're already tuning out. But this is not the time to tune out. This is the time to pay attention and think, think about what you really want and think about what possibly will happen to you if you-- if we allow this to happen. If we suspend the rules for expedience sake, you will not always be on the prevailing side. You will not always be in the majority on an issue. And think hard about that, because this will not just be applied against people who you don't like. It could be applied against you. And so that's why it's so important that everyone start paying attention here. And the rules, I heard a lot of folks saying-- talking about we need consistency day to day. And that is true. And the reason we need consistency day to day is so that everyone understands where we're at and how to function. You can look at the rules. You don't need to be here and have a debate. You can hold the rule book in your hand at home over the weekend, like many of us did, and read through it and say, OK, this is in order, this is out of order. I understand that. I know what the limitations of the debate are. I know what the limitations of the conversation are, and I know what I, what I can do and what I can't do. But if we're always suspending the rules, there is no certainty. There is no ability to know what-- how this place is going to function day to day. And that will cause a substantial breakdown in how this place functions. That will cause a calamity going forward in terms of whether or not we can get anything done in any kind of order. But it also will cause a huge degradation in the mutual respect and how we treat each other--

**HANSEN:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- the comity, not the comedy like funny ha ha, the comity like c-o-m-- I think it's i-t-y, but there might be two M's in there, which is the kind of fellow feeling, the good, the relationship, the how we treat each other with dignity and respect. And that respect, it's not about the individual necessarily. It's not about Senator John Cavanaugh standing here. It's about the people of District 9 and the people in the state of Nebraska

that each of us represent and the respect that we afford to those people. And that is what the regular order and function of this place is about. It's not about that particular issue. It's not about the particular person. It is about the institution. It's about the state of Nebraska. And it is about having a consistent, orderly process that we can all rely upon and understand how it's going forward. So this is a very important issue. This is a bigger issue than even what we've been talking about up to this point. So I would urge you to vote no on the rule--

**HANSEN:** That's time, Senator.

**J. CAVANAUGH:** --suspension of the rule. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Cavanaugh. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I just want to flag for everybody you may have seen a lot of people up and out of their chairs and getting their extra steps in this afternoon and having some thoughtful negotiations kind of behind the scenes or off the mike, so to speak. And, and those are, are good things. I want to thank Senator Arch for providing an opportunity to continue the dialogue to figure out how we can work together to structure the remaining time in this debate in a constructive and helpful way without setting a poor precedent for how to rule on this motion, this very serious, this very grave motion that is before us so that we have an opportunity to move forward with our agenda so that we don't set a poor precedent in terms of this session or into the future, and that we agree to adhere to the rules that we all agreed to adopt together just about six hours ago or so in debate. So that being said, I, I do appreciate that there is negotiations happening. I do think that there are valuable and important learnings happening in relation to utilization of the rules available to be utilized by the prerogative of any one member. So there are many tangible and intangible benefits from extended debate, and we're not even really into fully extended debate in my, in my estimation, until we get much closer to, say, for example, the eight-hour mark. So here we are, just maybe a little closer to six. And it seems that there is movement among the members of the body to try and find a way to move forward that doesn't set poor precedent, that recognizes additional, perhaps opportunities for members to be involved as energetic committee members moving forward, which I know that we're all very, very committed to. And I appreciate the leadership from Senator Arch and others who are trying to continue

this dialogue and discussion that allows for more opportunities for leadership but doesn't set a poor precedent. And that helps us to continue on with our important business, which of course, is the people's business. I do want to be very clear that I think it would set a poor precedent to suspend the rules after about five and a half or six hours of debate after we had agreed to adhere to those very rules together, just a very, very short time ago in terms of legislative calendar. I also want to recognize that I am concerned about a pattern and practice of fast-tracking things to stifle dissent and debate, because I think that is not appropriate in a democratic process, little d of course, and I think it's particularly inconsistent with where we are as the Nebraska Unicameral Legislature, both in terms of our nonpartisanship, but in terms of being a Unicameral where we need to have opportunities for full and fair debate because we're the only deliberative body in, in the state that has an opportunity to do that. So we shouldn't rush to fast-track measures. We shouldn't only adhere to efficiency. We should provide an opportunity for, for questions, for dialogue, for debate on the mike, and in those important conversations that happen amongst colleagues off the mike sometimes--

**HANSEN:** One minute.

**CONRAD:** --simultaneously. So with that, I'm grateful to continue the dialogue with Speaker Arch. I'm grateful for all of the members who've been a part of this conversation thus far, and I am hopeful here as we near the 3:00 hour on this beautiful Monday that we'll be able to hopefully find a path forward that appropriately seeks and finds common ground in consensus to the best of our ability, which is exactly what Nebraskans sent us each here to do. Thank you, Mr. President.

**HANSEN:** Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. I don't believe I've spoken yet on the actual suspension of the rules, which is a debatable motion. If we were to pass the suspension of the rules, then it's not debatable. The next part is not debatable and we just go to a vote. But we currently are on a debatable motion. And I got to be honest with you all, in four years, I've done, I've done a lot of things. I've used this rule book a lot. I have my one from last session is very dog-eared. I've never actually introduced a suspension of the rules, but today was also the first time I ever introduced an

adjournment motion without it actually being prompted by the Clerk's Office that we were going to adjourn in regular order. So it's a, it's a day of firsts all around, I suppose. I think this is indicative of the importance of communication and, and really the entire intention behind the conversation around the Committee on Committees report is to talk about the process. And this latest motion just gives us more opportunity to talk about the process and how it wasn't followed. Our committee for the CD2 Caucus had two Democrats and two Republicans. We have ten Democrats and seven Republicans on-- in our caucus, but we agreed to split our Committee on Committees' representation. I found out later from multiple individuals that it was said in Committee on Committees that basically to the three Democrats that were on the committees that you just had to go with what the rest of the committee wanted, because there are ten of us and three of you. So, again, this collegiality, this following process, it's not happening. And the more it doesn't happen, the more these things aren't honored in the way that we've done them, the more that we skirt the narrative of what is fact, the more toxic this session is going to become. These first four days are unlike any four days I've ever had. This is not usual. This is-- not even for me. This is not a usual way to operate. And it's, it's, it's really disappointing. I will vote against the suspension of the rules for two reasons. One, I don't agree with it. And two, it's completely unnecessary because we can just vote on the underlying report, which is next. I know that nobody is likely to change their vote on the Committee on Committees report. But by voting for it, you are condoning the actions of the ten that bullied the three. And that will not be forgotten, at least not by me. When you come to me and you ask for something, I will remember that you supported the bullies in the body. And that is really unfortunate and it is really disheartening. And I don't care if you're a freshman or not, you should be paying attention to this debate and you know that you are supporting the ten that bullied the three. And when you do that two years from now, you do not know what this body is going to look like. But I have four years left to serve and I will remember that you supported the ten that bullied the three. So that's a hard lesson. Several people have spoken about how this moves in multiple directions. You will get burned. You get burned by your decisions. If you don't follow the process, if you don't--

**HANSEN:** One minute.

**M. CAVANAUGH:** --you don't honor the codes and the mores of this body, you will get burned absolutely, positively. And in two years I will



not forget if you followed the bullies or not. Thank you. I yield the remainder my time.

**HANSEN:** Thank you, Senator Cavanaugh. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. President. Well, this has been an interesting day, actually interesting day plus Friday. And I feel sorry for the people that are outside this Chamber watching, wondering what is going on, what are all these rules and all of this. And I, and I will tell you that to try to help frame this just a little bit to those that are not in this Chamber not understanding, we with this report, we do not have rules specifically around these kinds of things. We have them around legislative bills. It's called a filibuster. It's called, you know, how many hours and how many, you know, how long can you go? And then you go to cloture. And but where we're sitting right now, we're not under a legislative bill. So it's-- we're, we're, we're trying to work out how to, how to come to a conclusion here. There's another dynamic in the room, and that is, of course, that these are the first very, very first days of the legislative session. And we have new members and we have, we, we-- we're learning how to work with each other at the same time and how to get things done, because we all know and we're standing here today saying we were called to be here to get things done for the state of Nebraska. So nobody wants to, like, stall out and hit high center on day three. We wanted-- we know-- we need to know how to work with each other and how to get some of these things done. So at the end of the day, I think we've landed there. I think we have found that way to do that. And, and so it's been productive in that respect. I want to talk for a second about rule suspension, because that is, that is a motion that should not be taken lightly, that it's, it's allowed for, it's a, it's a, it's a rule to suspend rules, but it's allowed for but it should not be taken lightly. And so I appreciate the concern that, that we not use this every day as we go through the session, but that this is a very, this is a very serious thing. So, so with that, I think we have found, found a way to move forward and I will withdraw my motion to suspend the rules. Thank you, Mr. President.

**HANSEN:** Thank you, Speaker Arch. Debate will now be on the Committee of Committees report. Seeing nobody left in the queue, Senator Albrecht, you are recognized to close.

**ALBRECHT:** Well, I appreciate all the information that's been taken into consideration on the floor. We'll have new rules to look at if you want to see change, that's the best place to, to bring it forward.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 9, 2023

Rough Draft

I just asked for the motion to approve the Committee on Committees report. I'd like to see a green light. I'd like to see a, a call of the house and everyone go out and have a nice lunch at 3:00. Thank you, Mr. President.

**HANSEN:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record.

**CLERK:** 35 ayes, 3 nays to place the house under call.

**HANSEN:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Murman, please return to the-- your chair. The house is on a call. All members are present. The motion is-- in front of you is to approve the Committee on Committees report. All those in favor of vote aye; all those opposed vote nay. Roll call vote has been requested. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 40 ayes, 7 nays, Mr. President, on approval of the Committee on Committees report.

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**HANSEN:** The motion passes. Mr. Clerk for items. And I raise the call.

**CLERK:** Thank you, Mr. President. New LRs from Senator Holdcroft, LR15, and Senator-- and LR16 from Senator Day. Those will both be laid over. Additionally, Mr. President, the Reference Committee will meet in Room 1525 upon adjournment; 1525 upon adjournment, Reference Committee. Finally, Mr. President, a priority motion. Senator Briesse would move to adjourn the body until Tuesday, January 10, at 10:00 a.m.

**HANSEN:** Question is, shall the Legislature adjourn? All those in favor say aye. All those opposed say nay. We are adjourned.