

**von GILLERN:** Good morning, good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the tenth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Senator Bostelman. Please rise.

**BOSTELMAN:** Good morning, colleagues. Please join me in attitude of prayer. Gracious God and Father of us all, your creation cries out for healing and a new life today, not only here but throughout the world. Hear also the cries of your young children and bring to us the restoration of body and the relationships that is needed now in our time of need. We lift before you, all the citizens of the state, from the newborn to the aged. Hold all of us in your mighty hands, especially we with all who are at high risk in regards to the [INAUDIBLE] illnesses that we see today. Provide for them the guidance and resources that are needed in their time of need. We lift before you your-- before you, Father, all who serve in the areas of medicine, public health, patients' care, our farmers, our ranchers, our first responders, our highway personnel and our linesmen. Guard and guide all who serve in these vocations as they seek to provide the care, guidance, that is needed in this critical time, and safety. Keep them strong and help us to be instruments of providing the resources they-- that they need. Now, as we prepare for this day, work of the Unicameral, we humbly ask that you would lead, lead and guide us as elected leaders of this state, and grant us the wisdom that needs to, to care for the citizens entrusted to our care. Bless our Governor and his staff with that same wisdom, and bless all of us with a gift of unity and peace as we serve together. We pray the same for all who serve our nation at the federal level, and for all government leaders around the world. We also, Lord, pray for peace throughout the world. Gracious God, in and through all of this, remind us again that you so loved all people and that you sent your son as the Savior of the world. All this we ask in his name. In the name of Jesus. Amen.

**von GILLERN:** I recognize Senator Dover for the Pledge of Allegiance.

**DOVER:** Please join me in the Pledge of Alle-- [RECORDER MALFUNCTION].

**von GILLERN:** Thank you. I call to order the tenth day of the One Hundred Eighth Legislature, Second 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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**von GILLERN:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

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

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

**ASSISTANT CLERK:** Not at this time, Mr. President.

**von GILLERN:** Senator Albrecht would like to recognize Doctor Dave Hoelting of Pender, who is serving as the physician of the day. Mr. Clerk, we'll now proceed to the first item on the agenda.

**ASSISTANT CLERK:** Mr. President, Senator Brewer would move to withdraw LB973.

**von GILLERN:** Senator Brewer, you're recognized to open on your motion.

**BREWER:** Thank you, Mr. President. LB973 actually would have replicated what is already in law, so we're asking to withdraw LB973. Thank you, Mr. President.

**von GILLERN:** Any discussion? Seeing none, Senator Brewer, you're recognized to close. Senator Brewer waives closing. Question before the body is shall LB973 be withdrawn? All in favor, vote aye; all opposed, vote nay. Have all those voted who wish to? Mr. Clerk, please record.

**ASSISTANT CLERK:** 32 ayes, 0 nays to withdraw the bill, Mr. President.

**von GILLERN:** The motion passes. The bill is withdrawn. Mr. Clerk, next item. Introduction of new bills.

**ASSISTANT CLERK:** Legislative Bill 1302, offered by Senator Lippincott. It's a bill for an act relating to cybersecurity; to adopt the Cybersecurity Preparedness Act; declare an emergency. LB1303, by Senator Lippincott. It's a bill for an act relating to cybersecurity; to require the employment of an ethical hacker by the Nebraska State Patrol. LB1304, by Senator Raybould. It's a bill for an act relating to federal grants; to direct the Department of Environment and Energy to coordinate and cooperate with the Nebraska tribal communities on obtaining certain federal grants; and declare an emergency. LB1305, by Senator Ben Hansen. It's a bill for an act relating to revenue and taxation; to prohibit tax liability on the purchase, sale or exchange

of gold or silver bullion; to define and redefine terms; change sales tax exemption provisions relating to currency and bullion; provide an income tax adjustment for the net capital losses and gains of the sale or exchange of gold or silver bullion; provide an operative date; and repeal the original sections. LB1306, by the Education Committee. It's a bill for an act relating to education; to change provisions relating to fees for a certificate or permit issued by the Commissioner of Education; to eliminate and change funds; to change, provide and eliminate powers and duties of the State Board of Education and the Commissioner of Education relating to standards of professional practices for teachers and administrators, investigations and hearings relating to misconduct by certificate holders, the power to issue writs of subpoenas or subpoena witnesses in the investigation of misconduct; to eliminate provisions relating to the Professional Practices Commission; harmonize provisions; repeal the original sections; to outright repeal Section 79-862, 79-864, 79-865, 79-869, and 79-871, Reissue Revised Statutes of Nebraska, section 79-861 and 79-863, Revised Statutes Cum. Supp. 2022. LB1307, by Senator von Gillern. It's a bill for an act relating to insurance; to require the Director of Insurance to identify a health benefit and excess of essential health benefits as required by 42 U.S. Code and 18022; provide reimbursements for qualified health plan issuers as prescribed; and require the Director of Insurance to include reimbursement costs in the director's budget request; provide powers and duties for the Director of Insurance and the Department of Insurance; create a fund; harmonize provisions. LB1308, offered by Senator von Gillern. It's a bill for an act relating to revenue and taxation; to impose sales and use taxes on certain services; to eliminate a sales and use tax exemption; to harmonize provisions; provide an operative date; repeal the original sections; to outright repeal Section 77-2704.64 Reissue Revised Statutes of Nebraska; and declare an emergency. LB1309, offered by Senator Linehan. It's a bill for an act relating to revenue and taxation; provide an income tax deduction for the costs of medical care as prescribed; and repeal the original sections. LB1310, offered by Senator Albrecht. It's a bill for an act relating to revenue and taxation; to adopt the Advertising Services Tax Act; to eliminate certain sales and use tax exemptions; to harmonize provisions; provide an operative date; repeal the original section; to outright repeal Section 77-2704.38 Reissue Revised Statutes of Nebraska; and declare an emergency. That's all I have at this time.

**von GILLERN:** Turning to the agenda, Mr. Clerk. First item, please.

**ASSISTANT CLERK:** Mr. President, the first item this morning is a proposed Rules change number 27, offered by Senator Arch.

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

**ARCH:** Thank you, Mr. President. Rule change 27 is a result of it, it was a piece of-- that came out of the-- of my LR179 study over the summer. And it, it is a-- it's moving the statement of intent from what is now 24 hours prior to the bill's hearing to 3 days, 3 calendar days prior to the bill's hearing. So I want to, I want to stop for or pause for just a second. I want to talk about the LR179, because LR179-- and I, and I spoke at Legislative Council, to some degree about what, what the recommendations were that came out of that. This is one of those recommendations. But LR179 had to do with public input, and how can we improve the opportunity for public input, make it easier, make it clearer, make expectations clearer, all of those things. And so a number of those-- a number of things came out of that LR179 study, including website redesign, a, a-- an, an easier bill tracker and that will help all of us, as well, online comments available now-- more opportunity for online comments, a, a, a number of things, expectations, in particular, regarding annotated hearing procedures, our large hearings that we had last year, understanding exactly-- for the public, what they can expect, for the senators, what they can expect. And we had a-- we've had a good discussion on that. And then this last one or one of the last ones had to do with this statement of intent deadline. This was a request because what happens often is that in the-- in, in the flurry of bills that are moving and in committee, it is often very difficult to track those, to know should I be following those, and this statement of intent is, is a summary statement. So the public can see that. They can read the statement of intent. They can decide whether or not they want to come and testify or send in a comment online. And, and having that out ahead of time for the public, I think, would be very beneficial. So when I proposed this rule change, I actually proposed a 5-day instead of a 3-day. But as we met in Exec Session, some of the, some of the concern was regarding with, with the flow of bills and how fast that moves during the hearing times, will we be able to meet that deadline of five days in advance? And it was felt and the committee felt as though that if we took that to 3 days, that certainly would be an improvement over 24 hours, and yet, the staff would be able to, to meet that deadline. So with that, we moved it to 3 days. And that is the proposal that is before you. I would encourage you and I would ask you to vote yes on this. I think it is a good move, so that the public

can have some extra time to understand whether or not they want to engage in a bill. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Arch. Turning to the queue, Senator Dungan, you're recognized.

**DUNGAN:** Thank you, Mr. President. And good morning, colleagues. I do rise today in support of Speaker Arch's proposed Rule change 27. As we've talked about, I think, multiple times, it's always a little bit precarious when you're changing the rules halfway through a biennium. But again, the reality of the situation is where we are. And I think that having had some good debate and thought surrounding these at the Rules Committee, some of these rules, I think, are, are substantive and could potentially help the public in understanding what's going on. So I just want to speak a little bit in favor of this and kind of articulate why I think this is important, both as a senator and as somebody who supports and wants to encourage participation from the public. These statements of intent that we're talking about are, are really, really helpful in understanding what actually is in, in a bill. As a lot of people know, you can log onto the Legislature's website. You can type in the LB number, LB857 or whatever you might look at, and then go ultimately-- click on the statement of intent, and that'll give you a little snapshot of what exactly is in that bill. Sometimes that can be really small. You know, it can say, you know, just a couple of sentences, getting to the heart of what the bill does. Other times, it can be a paragraph or a little bit longer, trying to give you a little bit more detail about what's inside one of these bills. Obviously, that can be helpful for a senator when we are getting ready to go into a committee hearing and you are looking at the 5 or 6 different things that you're going to be debating or discussing that day in committee, you can click on each of those. And prior to actually reading the legislation before you go into the committee, which I think everyone should do, you also can look at the statement of intent, which can give you a little snapshot as to what to look for in that bill. That's also then, obviously helpful, that Speaker Arch said, for the public. They get to have a chance to see what's going to be in the bills that may or may not pertain to them. And I also think looking at that statement of intent prior to reading the actual body of the legislation can provide some useful context for what the legislation is intended to do. Sometimes when you're reading legislation, one word may be crossed out or another sentence may be added. And on first blush, that piece of legislation may appear to not really change anything or you might not understand what all is going into that. But if you look at the statement of intent, it can

actually, I think, provide some really helpful context, again, for the public to understand what the goal was in the slight modifications, to help you understand what everything with regard to those modifications gets to. The 3 days that we're talking about here, I think, does represent a, a compromise, as many of the rules have thus far. Again, I want to laud Speaker Arch and the Rules Committee for going through these and, and discussing them and reaching some consensus on what I think some of the, the best wording for these rules could be. Twenty-four hours, in my opinion, simply wasn't enough. I don't think that provided enough time for the public or for senators or for their staff to review all the bills that were inside a, a committee or things that you were going to be discussing on the floor. Five days, however, I do understand the fact that might be a little bit onerous on staff. Our staff are fantastic. Our LAs and our AAs work incredibly hard. And the fact that they have a lot of different moving pieces happening all at once, I understand how that can make it difficult for 5 days to be the, the requisite time to get those Statements of Intent in. And so I think 3 calendar days prior to the bill's hearing is representative of a true compromise in the circumstance. I don't believe that that would be overly onerous or burdensome on staff. But again, I'm open to hearing other people's opinions. I'd be curious what other members of the Rules Committee thought in debating this rule and modifying the 5 to 3 days and how they landed on that. And I'm always open to change my mind when it comes to amendments that may or may not have to go up in proposed Rule change 27. But--

**von GILLERN:** One minute.

**DUNGAN:** --thank you, Mr. President. But, colleagues, I would urge you to support this rule change. I do think this is better for the body. I think it's better for our staff to be able to, to look at those bills prior to committee hearings. And most of all, I think it is helpful for the public to understand what we do. As always, I believe the public's oversight on what we do is important, and being able to have the, the public chime in on these bills is crucial. It's part of why we have these hearings. So please support Rule change 27, and I look forward to hearing other people's thoughts. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Dungan. Senator DeBoer, you're recognized.

**DeBOER:** Thank you, Mr. President. Good morning colleagues. I just wanted to, I won't belabor the point, but I wanted to thank the Speaker for his LR179 and his attempt to try to figure out the best

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way to get the public involved. I also want to thank the folks who, who act as our second house in Nebraska, the people of Nebraska, the people watching now, who have done the work to say, hey, we want to be involved and who get involved and stay involved, not just on one issue, but on, you know, all of the issues that we face. And I think that's really great. So I was wondering if Senator Arch would yield to question.

**von GILLERN:** Senator Arch, will you yield to a question?

**ARCH:** Yes, I will.

**DeBOER:** Speaker Arch, can you tell us about your LR179? What was the reason that you brought this interim study?

**ARCH:** So LR179 was a result of the numerous calls that my office received over the session last year. Frustration from the public, quite frankly, in, in particular, the focus was on the large hearings that filled our hallways and overflow rooms and how we managed those. But it was broader than that. It was, it was really the entire issue of public input, so it went to the website, all of that. If, if the public is interested, the, the LR179 report is available on our website. If you go to the home page, you go to reports on the left side, you go to standing committees, you go to the Executive Board, the Executive Committee, you will find LR179.

**DeBOER:** Can you do that one more time, because I think that might be kind of hard to follow. So.

**ARCH:** Well, this is-- yes. And I'd be happy to do that because this is one of our issues with, with a website that you have to work to find some of this stuff. So if you go to the homepage on the left side, you can move down. You will find reports. In there, you will find standing committees, you will find Executive Board, you will find our LR179 in the list of reports there.

**DeBOER:** All right. Thank you. That's, that's very helpful, I'm sure, to folks. Were there other major findings? You said that you found that they were frustrated with some of the long hearings. Were there other major findings?

**ARCH:** Yeah. The large, the large hearings was the number one issue. And that-- we have now developed some guidelines that, that the Chairs may use and choose to use. And we're calling them annotated, annotated hearing guidelines, that will set expectations for, for everybody. So

when you, when you come, you're guaranteed 3 minutes to speak if you have that opportunity to speak. You-- we're going to do the 1 hour, 1 hour, and neutral. So 1 hour proponents, 1 hour opponents, and then neutral testimony. So it just clarifies those expectations. And I think that that was probably the largest. But the Clerk is doing website redesign as a result of this. Online comments are going to be made easier. We're moving our deadline from, from 8 a-- 8-- let's see. I think it was-- hang on just a second here. It was noon the day before the hearing to now, 8 a.m. the day of the hearing. So those comments can still be put in day of the hearing. So we did a number of things in response to the feedback that we received.

**DeBOER:** I think that's really great. And I think it's important to have moved that online comment deadline to the day of, because I know there are folks who would intend to come to something, and then there's weather, and so they can't come. And so the day of, they can see that. And they can put those comments in, so at least they can be part of it. So I really think this is a, a job well done in terms of asking folks to help us understand what's difficult in the process for them and get through those snags. So I really want to thank the Speaker. And I want to say to the people of Nebraska that if there are additional snags that we have not yet discovered in the process for participating--

**von GILLERN:** One minute.

**DeBOER:** --with your Unicameral, just let us know. And I think the Speaker probably would still be willing to entertain emails. I certainly would. And I know others, your own senator would be willing to. And just let us know what, what problems you might have or what difficulties you might be facing in interfacing with us. And I'm sure we'll try to, to work on them, because it's always a work in progress. So just wanted to thank the Speaker for his work this summer, and we'll continue to, continue to try to do better. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator DeBoer. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. So I also rise in support of Rule change 27. And I-- you know, a lot of folks have said it's a good thing; gives people more of a chance to see what's out there and respond. And I guess my only question about it and I, I-- I'll just throw this out to the ether because I don't know who might be able to



answer it, but what happens if somebody doesn't submit the committee statement or the statement of intent to the committee by-- currently, by 24 hours before? But if you didn't do it for the 3 days before, is there any repercussion for that, or is this just we're putting it in the rules and saying, if we put it in the rules, people are more likely to do what's in the rules than to go above and beyond or to do what's worse, or is there any effective, I guess, recourse or repercussion for somebody? If I'm somebody who's looking at a bill and it's coming up in 3 days and there's no statement of intent, do I have some sort of recourse? Can I, I guess, can we, if somebody doesn't do that, can we extend the comment deadline that Senator DeBoer and Chair or Speaker Arch were just talking about? If the intention is to get the information out there to allow people to decide whether they want to respond, is there some necessity to create something that has-- gives effect to this? Because a rule that just says, you know, has to be done by this time doesn't-- I guess is not self effectuating. So that's, I guess, a question I'd be interested to hear other folks opinion on it. That said, I do agree with the idea, even without that, that we should extend it. We should be submitting these earlier. Allow the committee to, to, you know, work through things faster, give everybody more of an opportunity to look at what we're-- what's coming up, decide what their position on it is, and respond. So I'd be in support of Rule change 27. But if anybody is listening and they know the answer to that question or have thoughts on it, I'd love to hear it. Thank you.

**von GILLERN:** Thank you, Senator Cavanaugh. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand in support of proposed Rule change 27. And with that, I would like to add the following: It's been my experience that many Nebraskans believe the Legislature has created much to doubt within-- in the last few years, when it comes to transparency, accuracy and accountability. There's so much made-up news that has lowered their confidence in our ability to govern. We currently are in a state of distrust. They want basic facts. They want easier access. And they want us, this body, to give them the information they need to achieve that level of trust. And we do do those things. Many of us have weekly newsletters that we share with our constituents. We make sure often to make personal phone calls to those that are struggling within our communities and offer them resources. We have so much power and ability to make things better for the people here in Nebraska, but we don't always take those opportunities. Often, it's our staff that we delegate things to. We

step aside and leave the hard stuff to them instead of us doing the hard stuff, which really would be a great lesson if we would dive in and deal with those angry people, deal with those people that are struggling on a one-on-one basis, because you're going to learn so much more by doing that. So when we work to achieve the level of trust, it's not just what we do in the body, it's not just our rules, it's how we act as senators. So by better clarifying the process, by creating rule changes like this, we are helping to meet these expectations. We are addressing things like the window of time. We are setting the bar, bar higher to remind Nebraskans that this is the people's house, not our house, not Senator Arch's house, not the Governor's house. This is their house. And that wasn't meant as an insult, Senator Arch. You were just an example that was in front of me. And we are beholden to the masses. And we need to quit bending to the vocal minority when we do our work. And so with that, I say thank you to the Rules Committee. Thank you, Senator Arch and all involved with this rule change. I love the fact that we are working for greater transparency, greater accountability, and making this process works more smoothly. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Blood. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. President. Oh, I got shocked. I rise in opposition of the proposed rules change. I don't think that it's a bad rule change. I just-- back to everything I've said prior, I don't think we should be changing rules in the middle of the session. Whether it's good or a bad rule change, I think we should wait till the biennium is over and we change the rules, if needed, at the start of another one. But we're trying to change the rules in the middle of the game. And I was, on my way down here, I was thinking about all the rule changes that were proposed and the ones that we might get to or might not get to. And the way it's been going, all of these have been passing. So I'm really-- I think I got a good idea of why we might not get to some. But I mean, if you all are going to pass them all, we might as well get to everything and have a real conversation about those other ones that people don't want to get to or talk about. You know, there's the secret ballot change that is proposed. I don't know if I like it or not, but since you all are passing everything, everybody should just turn off their lights, vote yes-- oh no. I'm not voting yes, but everybody else should because you're voting yes anyway. So why are we wasting time? Let's just get to everything so we could do other things. We're just wasting time here because you're voting yes to pass all these rules changes. So why don't we just get

to everything? Honestly, besides wasting time and sitting here and talking about the nuance of all these rules, when it really doesn't matter because they're all being passed anyway. So we should just get to everything and have a conversation about them, no matter if they're controversial or good rules. Let's just have a conversation about everything before Friday. You're passing everything anyway. So let's have a conversation about the ones that you probably don't want to pass, or you probably don't want to have a conversation about. That would make this a lot more enjoyable, probably for the public, probably for everybody in here. Let's talk about them. I don't think we should be changing these things, but if you're going to just pass all these rules changes, why are we standing up talking about them? Why don't we sit down, let Speaker Arch or whoever else proposed the change stand up, open, close, vote, so we could talk about all these things. And then if we get to a controversial one, we'll get to one. But sitting here for 3-plus hours or all day, talking about 2 rules that you're just going to pass anyway is literally a waste of time. We could be doing a lot more better things in this place than sitting here talking about things that are going to be passed anyway. Everybody knows it. The only few that might not get passed is the ones we're avoiding getting to. But since you're passing all these, everybody just sit down and let's pass all the rules. Senator Cavanaugh did ask a good question. What happens if I don't turn in my statement of intent 3 days prior? Who's going to-- what's the penalty there? I could wait till 24 hours. What is the penalty? It's like you have a rule, but there's no accountability in the rule at all. It's just maybe the Clerk's Office or the Chair of that committee is going to reach out to your office and say, hey, send your statement intent. But because there's no mechanism to hold me accountable, I probably could wait the 24 hours prior or the day of, because what is the real penalty? We just got to think about these things a lot deeper. And if we're going to stand up and talk about all these rules--

**von GILLERN:** One minute.

**McKINNEY:** --and waste time, just vote yes on the things you're already going to vote yes on and let's just get through this. Thank you.

**von GILLERN:** Thank you, Senator McKinney. Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. President. First of all, I'd like to thank Senator Erdman and the Rules Committee for all their hard work on this. And Speaker Arch and the Clerk of the Legislature, Brandon

Metzler, for all their hard work on this. Senator McKinney, I agree with you. There's-- on these 5-0 rule changes, there is no reason we shouldn't just rip right through these and get to the other ones. But I have also learned, in being here 6 years, what's practical doesn't always translate well to this body. I am in full agreement with this rule change. We've had a number of constituents contact us in the past and what's this about, and I do think this will serve the public well the sooner you can get the intent of the bill out there that they can review it, and it's just a snapshot of what the bill is, unless they read the bill themselves. If I were to amend this, the one amendment I would like to see is the fiscal note be put in our hands 3 days before bill introduction. I cannot count the number of times where it is the morning of, and we get the fiscal note 6 hours, 4 hours before bill introduction, and it is dramatically different than what we anticipated. So that is something we may work on next year as a, a rules change or, or look into that. But those are my 2 cents. Thank you, Mr. President.

**VON GILLERN:** Thank you, Senator Brans-- Brandt. Senator Fredrickson, you're recognized.

**FREDRICKSON:** Thank you, Mr. President. It's good to see a fellow classmate in the Chair up there. Good morning, Nebraskans. Good morning, colleagues. I rise in support of this proposed rule change. I think this was a thoughtful rule change. Before I get in there though, I just want to also acknowledge today is the last day of bill introduction. We have 10 days to introduce bills here in Nebraska. And I want to just give a quick little shout out to all of the Bill Drafters who I think all of us in here certainly understand and know, with all of the last minute changes, all the last minute 3-parting, the Bill Drafters have been putting in a lot of really long, long hours. And we are super grateful to all of you up there for the work you do. Thank you for helping support us in everything that you do. Like I said, I stand in support of this. I think, you know, in general, my colleagues have sort of touched on all the reasons why this is good, just in terms of transparency and public awareness of what we're bringing to the Legislature. I did have one question regarding this proposed rule change. It's-- so folks who are following along, it's basically-- essentially what this does is that it changes the, the statement of intent from 24 hours to 3 calendar days before. And I was kind of curious to learn a little bit more about that decision. I mean, I think 3 days is a good one, but calendar days in particular stands out to me. You know, we obviously have weekends, we have holidays that could get in the way of that. So I was curious

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about why not legislative days? Why not business days? So I'm wondering if the Speaker might be willing to yield to a question in that theme.

**von GILLERN:** Senator Arch, will you yield to a question?

**ARCH:** Yes, I will.

**FREDRICKSON:** Thank you, Mr. Speaker. Can you shed some light on the decision to make this 3, 3 calendar days, as opposed to 3 legislative days, 3 business days?

**ARCH:** So the attempt was to tie it to the, the hearing schedule. So right now, we have, we have a rule that says hearings-- the announced hearing schedule must be 7 days ahead of the hearing, 7 calendar days ahead of the hearing, and so this was an attempt to tie it to that. So you have 7 days' notice on the hearing, you have 3 days' notice now, if this rule is passed, you have 3 days for this statement of intent, calendar days, tying to those, tying to those 7. And that's the responsibility of the legislative aide in the senator's office that is introducing the bill.

**FREDRICKSON:** Great. Thank you, Mr. Speaker. So that makes sense to me. I mean, that, that provides some consistency for the two. Obviously the awareness of the calendar days on both of them, I think, makes sense. So I am going to support this proposed rule change. Again, I appreciate the Speaker for bringing this and-- as well as for bringing LR179. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Fredrickson. Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. President. I want to respond to Senator John Cavanaugh's question regarding consequences for not hitting that deadline. And, and here, here is my understanding, as I, as I just responded to Senator Fredrickson's question. It is the legislative aide's responsibility to draft the statement of intent. Oftentimes what hap-- what will happen is that bills will be brought on behalf of, they will, you know, bills will be, bills will be developed and then, and then meetings with senators, will you introduce this bill? Associations often will come with a bill and say, we really like this bill introduced. And at that point, many times the association is involved as well, in helping draft the statement of intent, and so that's, that's very helpful. But, but nonetheless, it is the

legislative aides. You don't want to get too far out because oftentimes, once we, once we start our committee hearings, which will begin next Monday, things move pretty quickly in those offices. And for a senator that has a number of bills, there's a number of statement of intents. There's a number of things going on in those offices. So if they don't hit that deadline, then of course there's counseling of the staff, but there's supporting technology as well, from my understanding. So what technology does right now is it tracks. When that statement of intent is submitted, the button is pushed. Technology automatically knows that. And, and if it is, as the rule is currently written, if it is ahead of that 24 hours, all good. If there is no statement of intent submitted within 24 hours, then, then a message goes out immediately to the senator, to the senator's staff indicating and it's, from my understanding, I haven't seen the message, but I understand it's quite direct. You have missed your deadline on submitting of a statement of intent on this bill. Because the technology is also tracking the date of the hearing. So now what would happen is the technology would be changed to, to back that up to 3 days, and the same thing would occur. So there is, there is notice you are going to hit that. And then um, of course if, if this is a pattern then, then it is the counseling of the staff that would occur. So I just wanted to respond to Senator Cavanaugh's question. That's, that's my understanding of the process. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Arch. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Speaker Arch, for that clarification and answering that question. I think that's a, a good system. And it, it makes sense why we're going with 3 days and not 5 days, because of the hearing notice 7-day schedule, gives people at least some time to see that the hearing's been scheduled. But I was-- I actually punched in. I do appreciate the Speaker's response, but I punched in because as we're talking about timing, you know, timeliness is next to godliness, I think, or is it cleanliness? Well, either way. But to be timely, I would point out that today is January 17th, and it is the other Senator Cavanaugh's birthday. So please join me in congratulating her on surviving another year, and wishing her a happy birthday is maybe the more normal thing to say. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I rise in support of this measure and appreciate the comments that each colleague have entered into the record in our deliberations this morning, in advance of this thoughtful proposal to amend our rules. To echo some of the themes that have already been stated about why this is an important update and amendment to our permanent rules, I do believe that it helps to foster concurrent and important goals of citizen engagement and transparency. Nebraska has a proud and long tradition of a commitment to open government, as inscribed on our very Capitol and carried through in our institutions and our legal framework. We have a strong and proud public records law. We have a strong and proud open meetings law. We, as the Unicameral institution, some of our defining features of this unique form of government seek to always enhance transparency. Every single bill that's introduced has a hearing. There is no secret conference committee as is present in our sister states and on the federal level that fosters secrecy between the houses of government. These are key defining, important features about how we do our work. And this measure seeks to increase citizen engagement and increase transparency more quickly, so that more people, more stakeholders, within the Legislature and externally have an opportunity to understand what the intent of the measure is as they prepare for the public hearings. Additionally, another feature that will be subject to debate later in this rules debate in, in the coming days that we may see on our agenda that has been advanced from the Rules Committee, seeks to undermine that very commitment to transparency and citizen engagement that are bedrocks of our system, that are bedrocks of our proud political history. And that-- I want to flag and put, put a note in the record on this measure and to help to foster what will come in that debate, as members of the Rules Committee have saw fit to advance a measure to keep the press out of our executive sessions, which has always been an important part of our unique institution and an important part of citizen engagement and transparency. So not only is this an important measure, but it lifts those important issues at play in other rules that will be coming before this body. I think it is misguided and shameful for this institution to consider pushing out government watchdogs that inform the electorate about who we are and what we're doing, in their name and with their money. If colleagues do not feel as if they can defend confidently their convictions when deliberating a bill, that's on them. That is no reason to push out the press. That is no reason to undermine transparency. And so as you listen to this debate, as you cast your vote on this and other matters, I want to make it clear that there will be a vigorous debate--

**von GILLERN:** One minute.

**CONRAD:** --a vigorous challenge and vigorous opposition to measures to undermine transparency that may come up-- come up later in this rules debate. By pushing the press out of our executive sessions, I ask my colleagues, what are you so afraid of and what are you trying to hide? Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Conrad. I recognize Senator Slama.

**SLAMA:** Thank you, Mr. President. And I haven't had the chance to get on the mic during this rules debate. Figured I'd hop in. I am grateful about this discussion about transparency this morning, and I'll be brief. I really do hope that my colleagues now that are arguing for transparency, emphasizing the importance of transparency, I do hope that commitment to transparency extends to getting rid of secret ballots for committee chairs. I feel as though if you cannot defend publicly who you support and who you voted for, for committee chairs, you are just as guilty as hiding from the public. And to quote a colleague recently, what are you so afraid of and what are you hiding, if no? Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. I wasn't going to talk on this amendment to the rules because everybody in this room may be for that except Senator McKinney. But Senator Conrad has opened the discussion early on some of the other rule changes that will be coming. Her comment has already started the debate of what's going to happen later on today or tomorrow. And I am the one who has for 7 years brought the rule change to exclude the media. It is inappropriate to have an unelected, unelected person, the media, in our executive sessions. I've never served on a body-- elected body before, where anyone was in executive session except those who were required to be there. Case in point: Last week we had a rules meeting, the rules hearing and the media described what they seen or heard in the rules hearing. When they wrote a report, they had made a statement that I had said in the hearing that I did not say. And when I talked to the media about it and asked why they printed it as they did, they said, that's the way I perceived it. So here's the problem. When the media is in executive session, they write their report based on the lens that they look through, and you may not have said what they write, but that's what they interpret it to be. And if there were 3 of us standing on the



street corner and we seen an accident in the intersection and the police came by to interview us individually, they would get three different reports about what happened. And so when the Rules Committee is meeting in executive session and the media is there, they're looking at the discussion slanted towards whoever's making the decision. So either you have the executive session open to everyone or no one. What the rule is going to say is that the media is excluded, and the Chairman of the committee can reinstate them. It's exactly the opposite of what we do now. So if Senator Conrad becomes a Chairman of a committee, she would be able to allow the media and if she so chooses. So it's opt in instead of opt out. That's all that it is. And so as we have debated these rules and we've done that quite extensively, and I did agree with Senator McKinney, let's just vote. But as we go through that discussion, you will understand that if this was a bicameral, if this were a bicameral instead of a unicameral, we wouldn't even be talking about rule changes, we would just make those rule changes. So these rules have been set up and put in place over the years to give the minority the authority. And all we're asking for is let's have a fair and open and fair debate about what we're going to do. And when one body has 65% of the votes, they ought to be able to make changes if they need to. Thank you.

**von GILLERN:** Thank you, Senator. Senator Machaela Cavanaugh is recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Senator Slama, I voted for you for Chair, so just-- I'm fine with telling people who I voted for, although I do think-- I don't think anybody ran against you. But I still think you're doing a great job. So I, I, I don't mind having transparent votes on committee Chairs. I very ardently think that the press should be in our executive sessions because they are really responsible to the public. And we are also responsible to the public, so I think that's a partnership that should continue. But of course, I, I stand in opposition to changing the rules mid-biennium, so I won't be voting for any of these things. And I appreciate this rule change today. But again, I don't think we should be changing the rules right now or having a rules debate right now. We should be debating policy. Thank you to my brother for the birthday greetings. And like a true Cavanaugh, his birthday present to me was work. He gave me a constitutional amendment to turn in, which I very much appreciate, because I realized today I'm 45. And one thing-- I have some things in common with the 45th President, hair color being one of them, I guess. But one thing I do not have in common with him is wealth. So thank you to my brother for the constitutional amendment to address the pay of

everyone in here. Get me maybe \$5 closer to the 45th President. That was pretty much it. Thank you. And I yield the remainder of my time to the Chair.

**von GILLERN:** Thank you, Senator Con-- Cavanaugh. Senator Conrad, you're recognized.

**CONRAD:** Thank you so much, Mr. President. Again, good morning, colleagues. Just to continue our debate and deliberations in regard to our proud traditions of open government as Nebraskans. We also have proud traditions of nonpartisanship, and that is why there is a hallmark and a feature to the secret ballot in regards to our selection of leadership. And I want to make sure to clarify and to clearly distinguish the different types of executive sessions, because I think that perhaps my friend Senator Erdman had conflated some of those differences when it comes to the term of executive session. I know my friend Senator Erdman and others in this body have served their community admirably, through service at county board level or school board level or city council levels. And I would remind my friend Senator Erdman and others that typically, in-- it's my understanding not having served on those bodies but being an engaged citizen, that in many instances, those local entities of government do have a secret ballot for different aspects of leadership; perhaps not all. I don't wish to paint with too broad a brush in that regard. And don't pretend to understand the internal policy and nuance of every single entity of government that spreads, spreads across our great state. But that is to advance part-- nonpartisanship. It is also to advance collaboration, and to ensure that personalities on those tough votes do not come into play. And it is it akin to the sacredness of a secret ballot that each of us enjoy when we cast our votes in a primary or general or special election. The reason we have secret ballots in place is so that there can be no coercion or undue influence when it comes to a citizen deciding how to cast their vote, which is sacred. Whether that coercion comes from community leaders or employers, what have you, that's why we have those secret ballots, and that's why we have secret ballots, particularly in legislative leadership, to put aside partisanship and to ensure collegiality. The executive sessions that my friend Senator Erdman was talking about, there's some important distinctions here. There are executive sessions available underneath the open meetings laws and in the Nebraska Legislature, in narrow and carefully circumscribed situations that call for such appropriately: personnel issues, litigation issues, these are typical reasons why a public body or even committees of the Nebraska Legislature would need to exclude the public or the press for

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dealing with those kinds of matters. However, when it comes to deliberations on a policy matter, it is inappropriate for public bodies to go into a closed executive session. And I do not believe that is permissible under our open meetings laws, Senator Erdman, so you may want to, to double check that. If entities of local government are entering executive sessions to have policy deliberations, without it being moored or anchored to that very specific reason, something like personnel or litigation, that, that would not be allowed under our open records laws. And so we need to have some consistency in regards to how we carry out our work in the Nebraska Legislature--

**von GILLERN:** One minute.

**CONRAD:** --as well. Thank you, Mr. President. The reason that the press is in our executive sessions and they can be excluded when sensitive matters like personnel or national security or litigation comes up, they're there to report on deliberations of policy matters, of policy matters. And that is a key and important distinction, which I think my friends have glossed over. As we head into the debate for whether or not we will continue secret ballots in our leadership, I, I also pose to-- this to my friends, much like our individual voting practices, take a ballot selfie. If you want to tell your colleagues and your constituents who you're voting for, nothing prohibits you from doing that. So if you haven't already done that, that's a remedy that's currently available without under-- undermining the rules and traditions of the nonpartisan Unicameral Legislature.

**von GILLERN:** Time, Senator.

**CONRAD:** I look forward to the debate. Thank you, Mr. President.

**von GILLERN:** Seeing no one else in the queue, Senator Arch, you're recognized to close.

**ARCH:** Thank you, Mr. President. Thank you for the discussion on Rule change 27, and I would ask for a yes vote.

**von GILLERN:** Question before the body is amendments to permanent rules, proposed Rule change 27: Rule 5, Section 4. All in favor vote aye; all opposed vote nay. Mr. Clerk.

**ASSISTANT CLERK:** 35 ayes, 1 nay on the adoption of the amendment to the, to the permanent rules, Mr. President.

**von GILLERN:** The amendment is adopted. Mr. Clerk for announcements and new bills.

**ASSISTANT CLERK:** Mr. President, for announcements. An amendment to be printed to LB1308, offered by Senator von Gillern. And I have notice of committee hearings from the Revenue Committee. New bills, LB1311, offered by Senator Meyer. It's a bill for an act relating to revenue and taxation; to eliminate certain sales and use tax exemptions; impose sales and use taxes on certain services; harmonize provisions; provide an operative date; repeal the original sections; declare an emergency. LB1312, offered by Senator Dover. It's a bill for an act relating to landlords and tenants; to provide for electronic notices by landlords to tenants under the Uniform Residential Landlord and Tenant Act and the Mobile Home Landlord and Tenant Act; to define terms; to harmonize provisions; and to repeal the original sections. LB1313, offered by Senator Dover. It's a bill for an act relating to health benefit plans; to exempt certain health benefit plans from insurance regulation. LB1314, offered by Senator McKinney. It's a bill for an act relating to the inland port authorities; to create a fund; to provide powers and duties for the State Treasurer; to provide for certain grants; to change provision relating to the credit of interest from certain funds; eliminate obsolete provisions; to harmonize provisions; and repeal the original sections; declare an emergency. LB1315, offered by Senator Linehan. It's a bill for net relating to revenue and taxation; to change the sales tax rate; to harmonize provisions; provide an operative date; to repeal the original sections. LB1316, by Senator Linehan. Bill for an act relating to School District Property Tax Limitation Act; to eliminate provisions relating to the increase of base growth percentages for school districts; to harmonize provisions; and repeal the original sections. LB1317, offered by Senator Linehan. It's a bill for an act relating to revenue and taxation; to state findings. LB1318, offered by Senator Linehan. Bill for an act relating to revenue and taxation; to change provision related to certain transfers to the Cash Reserve Fund; to change the Nebraska Property Tax Incentive Act as prescribed; repeal the original sections; declare an emergency. LB1319, offered by Senator Linehan, is a bill for an act relating to revenue and taxation; to eliminate a definition and a sales and use tax exemption related to data centers; provide an operator date; to outright repeal Section 77-2701.54, 27-- 77-2704.62, Reissue Revised Statutes of Nebraska; and to declare an emergency. LB1320, offered by Senator Ballard. It's a bill for an act relating to the emergency medical services; to require emergency medical services to report patient

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overdose information as prescribed; harmonize provisions; and repeal the original sections. LB1321, offered by Senator Arch, is a bill for an act of the Office of Public Counsel; to name the Office of Public Counsel Act; to state legislative findings; change provisions of the Office of Inspector General of the Nebraska Child Welfare Act and the Office of Inspector General of the Nebraska Correctional System Act as prescribed, change provisions relating to the powers, duties, terms of office of the Public Council, the Inspector General for Child Welfare, the Inspector General for the Nebraska Correctional System; change powers and duties of the Exec Board of the Legislative Council and provisions relating to the Legislative Council; define, redefine, and eliminate terms; to eliminate provisions related to certain office powers and procedures; to harmonize provisions; provide a duty for the Revisor of Statutes; to repeal the original sections; to outright repeal Section 43-4304, 43-4304.01, 43-4304.02, 43-4305, 43-4306, 43-4306.01, 43-4307, 43-4307.01, 43-4308, 43-4309, 43-4310, 43-4311, 43-4312, 43-4313, 43-4314, 43-4315, 43-4316, 43-4319 and 49-1406 [SIC-47-906], Reissue Revised Statutes of Nebraska; and to declare an emergency. LB1322, offered by Senator Vargas. It's a bill for an act relating to schools; to require that school counselors spend a certain percentage of such counselor's time during normal school hours in the direct counseling of students as prescribed. LB1323, by Senator Vargas. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Economic Development. LB1324, by Senator Conrad. A bill for an act relating to revenue and taxation; to adopt the Child Tax Credit Act; to amend [SIC] certain tax credit refunds from claims of creditors; to harmonize provisions; to repeal the original sections. LB1325, by Senator Vargas. Bill for an act relating to Pharmacy Practice Act; to amend Section 38-2801; to allow pharmacists and local public health departments to distribute fentanyl test strips as prescribed; and to repeal the original sections. LB1326, by Senator Dungan. It's a bill for an act relating to the Nebraska Housing Agency Act; to change a tax and assessment provision; to repeal the original section. LB1307, by Senator Brewer. It's a bill for an act relating to the Political Accountability and Disclosure Act; to amend Section 49-1402; to change legislative findings; and to repeal the original sections. That's all I have at this time, Mr. President.

**von GILLERN:** Thank you, Mr. Clerk. Next item on the agenda.

**ASSISTANT CLERK:** Mr. President, the next item on the agenda is proposed Rules change number 19 offered by Senator Arch.

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

**ARCH:** Thank you, Mr. President. So Rule change 19. It-- this defines appropriations bills. And so it strikes language in Rule 7, Section 3; adds the definition of appropriation bills in Rule 8, Section 1. This really has to do with scheduling on the floor. What do we do with the-- I mean, we have the mainline budget bills. We understand that. But there are other surrounding bills that definitely have impact on the budget. So we thought we needed to define those so when, so when that mainline budget comes to the floor, these appropriation bills also come to the floor, as well as a couple others and I'll explain in just a second. So it codifies by listing in the rules the different bills that have traditionally been part of the budget process, not necessarily the budget bill itself, but the budget process. So any appropriation bill would be referenced to the Appropriations Committee. It does, it does identify those bills, and it specifically says it's going to go to the Appropriations Committee. However, there are 2 that often or should and will, if this, if this rule is passed, trail the, the appropriation bills that are identified here. One is judges salaries bills. That will continue to be referenced to the Judiciary Committee, but this rule change identifies that this bill will be scheduled on the agenda following the budget bills. This was a-- this was a discussion in the last session. Judges bills are-- the-- this judges bill is heard-- the salaries bill is heard in Judiciary. And, and because it's not heard in Appropriations, it's not necessarily part of the budget package. But in this case, we're going to say that the judges' salaries bills is going to trail those appropriation bills that we have defined there and claims bills. And so claims bills will be considered as-- at floor debate, following the appropriations bills and the judges' salaries bills. Claims bills have been rereferenced to Business and Labor. And so, those 2 then would be identified not as appropriations bills, but as bills that will, that will trail the main budget bills, the appropriation bills. So, I originally proposed that those-- that judges' salary bills also go to Appropriations. I received good feedback from Judiciary from Senator Wayne and others. No, let's keep those over there. So I changed that. And we've, we've modified from the original proposed bill as a result of that input. So it, it simply clarifies that the appropriations bills will be heard on the floor, following-- followed by the claims bill and judges salaries. And they all have budget impact. So with that, I will ask for your yes vote on this, and ready for discussion.

**von GILLERN:** Thank you, Senator Arch. I recognize Senator DeBoer.

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**DeBOER:** Thank you, Mr. President. I was wondering if Senator Arch would yield to a question.

**von GILLERN:** Senator Arch, will you yield to a question?

**ARCH:** Yes, I will.

**DeBOER:** Senator Arch, I noticed, noticed when I was looking at this, in addition to the other things that this bill does, it also increases the number of bills that are not divisible. Was that your intent? Because it says at the top there, such a call for division shall not be allowed for. And you have the mainline, the deficit, the construction and the funds transfer. And then here-- now it says bills listed under Rule 8, Section 1(b), which is the deficit bill, the capital construction bill, the funds transfer, and then also the appropriations for members of the Legislature, for salaries of constitutional officers, and the cash fund-- cash ver-- cash reserve fund transfer bill. Was it your intent to add those bills to now also not be divisible? Senator Arch?

**ARCH:** Yes. OK. I didn't know-- I forgot whether I had been called on, but yes. Yes. Well, it would add those 3. One in particular, the members-- appropriations for, for the pay of members of the Legislature isn't divisible right now. I mean, there's no way to divide that. It's not in sections.

**DeBOER:** Sure.

**ARCH:** And so that one you can set aside. It would add salaries of constitutional officer of the government and the cash reserve fund transfer bill. Yes. Those would, those would be added to nondivisible, as well. And, and the understanding there is, again, is that they are, they are a, a, a single-budgeted item that, that definitely impacts the budget. And so, I, I thought it appropriate that those would be, those would be considered part of the appropriations bills.

**DeBOER:** The, the only question I would have about that is whether or not that would-- well, the Legislature, you're right. Set it aside. But the constitutional officers, I just, I want to think through this. Are we giving away our ability to sort of restructure so that as a body, maybe we say some officers should be adjusted and other officers should not and that sort of thing. Are we, are we losing anything there?

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**ARCH:** I don't, I don't think we are. But I, I mean, that is-- that's a point of discussion.

**DeBOER:** OK. And then, the cash reserve trans-- fund transfer bill, I'm not as aware of all the different pieces of that bill. So does that come out like an appropriations bill, where we get line items of the various transfers, or is there just one transfer into the general fund and then it goes from the general funds out?

**ARCH:** So you would receive the detail of that, but it would be a-- it would be, it would be a transfer. It would be a transfer. I, I, I would also point out that while this isn't divisible, it is amendable. And so you can always bring an amendment to a specific piece of these, of these bills that have been included now in the appropriations bills.

**DeBOER:** That's wonderful. That, that makes me feel a lot more comfortable about that. Yeah, I think that, that makes some sense. So yes, we're not dividing them out because it's like the budget. We want to have this large conversation kind of all at once. But maybe I'll ask Senator Clements. He's not here. I'll see if there's another Appropriations member. I don't see Senator Wishart, who's the Vice Chair. Oh, Senator Wishart. Maybe Senator Wishart would yield to a question. Thank you, Senator Arch. Senator Wishart?

**von GILLERN:** Senator Wishart, will you yield to a question?

**WISHART:** Yes. Yes.

**DeBOER:** Senator Wishart, I just-- I don't remember how the cash reserve fund transfer bill comes out.

**von GILLERN:** One minute.

**DeBOER:** Is that just one transfer or are there individual transfers that are line items for particular things? Do you, do you know that?

**WISHART:** There are individual transfers, but I would have to-- let, let me think a little more on that. I was not prepared to answer that question.

**DeBOER:** Yes. I'm sorry. I totally blindsided you. OK. Well, either way, the fact that we can amend it, would that allow-- that would probably allow us to amend in any way we wish, so I think that alleviates my concern. Thank you, Mr. President.



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

**McKINNEY:** Thank you, thank you, Mr. President. I rise against this rules change and specifically, for a specific reason, the capital construction. And you probably-- you probably wonder why am I highlighting the capital construction bill not being divisible? Because last year, this Legislature voted to build a prison that was placed into the capital construction bill. Many people voted for cap-- for the capital construction bill. I'm not sure if they knew they were voting to build a prison. Maybe they were. But they did vote to build a prison. Just like the judges salary, I believe any budget request to build facilities or anything under the "Nebraska Department of Punitive Services" should be sent to the Judiciary Committee. Because if it's sent to Appropriations-- nothing against them. They deal with a lot of requests and things like that. And there was some things that came out-- well, no. After they sent out-- after they voted for the prison out of Appropriations, there were some things that I believe needed to be changed. We needed to make sure they were making the department do programming, making sure that the department finished their studies. Those type of things didn't happen straight out of Appropriations. We had to make amendments on the floor to ensure those things happened. So I believe any budget requests from the "Nebraska Department of Punitive Services" needs to be sent to the Judiciary Committee, just like the judges salaries. You guys voted for a prison last year, and I don't even know if some people are aware that they voted for a prison last year because it was baked into the capital construction bill. And that should have been divisible. Because that is an important conversation; that was the most expensive budget request in state history, I believe, to build a \$350 million-plus prison that doesn't even account for operate-- operating expenses or, you know, supply chain issues and things like that. So I'm not going to be surprised, probably next year, the "Department of Punitive Services" and the Governor's Office is going to come back and say, hey, we need some more money to build a prison that we don't need. So I personally believe there should be an amendment to this rule that also has "(d)": the bills, the bills concerning the "Nebraska Department of Punitive Services" shall be sent to the Judiciary Committee. The Appropriations Committee does a good job. I'm not knocking them, but they deal with a lot of budget requests and a lot of issues. I think any budget request from the "Nebraska Department of Punitive Services" should automatically go to the Judiciary Committee, just like the judges salaries. It's only right. That's something we

should think about here. Remember, you don't have to just vote for these things. We can have a real conversation and make some real changes. And maybe, just maybe-- no. I'm not, I'm not voting for it. But I do think if you're going to vote for this, you should include an additional amendment that says, budget request from the "Nebraska Department of Punitive Services" should be sent to the Judiciary Committee, or we should be allowed to divide the capital construction bill, because that's where they request their money from. And I personally believe that those requests should not just go to the Appropriations Committee.

**von GILLERN:** One minute.

**McKINNEY:** They should have to come sit in front of the Judiciary Committee and answer important questions, like how are you going to do programming, have you completed your facility study? Those type of things I feel like got overlooked last year. And we had to make amendments on the floor because of that, which is why budget requests from the "Nebraska Department of Punitive Services" need to be sent to the Judiciary Committee. Thank you.

**von GILLERN:** Thank you, Senator McKinney. I recognize Senator Conrad.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I rise with reservations in regards to the proposed rule change, even though I know my friend, Speaker Arch, is working in good faith to try and bring process improvements to our rules through the variety of proposals that he put forward, which I believe to be thoughtful and in many instances, meritorious. but I, I do want to add a, a, a few points in regards to this specific rule change, in terms of how it interfaces with our duty as legislators and our process overall. I do think that there is an important benefit in having a clear and uniform definition and understanding for all members and all stakeholders of what the budget bills are and are not. I, I think that that will help to remove ambiguities in that regard and definitely improve our referencing process and our deliberative process. However, one thing that I have been thinking about in regards to the restriction contained within this proposed rule change, that does not allow for budget bills to be subject to division I, I really see two sides of the coin here. On the one hand, because of the critical importance, the constitutional importance that is granted to the Legislature, that has the power of the purse, that has the sole power of appropriation, in many ways, I can understand protecting the budgetary process to ensure its priority, to ensure its fidelity, to ensure that, that

critical work happens and is appropriately focused. On the other hand, I'm a bit concerned about moving-- removing opportunities under the rules for our budget that are available to every other measure that comes through the Legislature. I think that in some ways it would be a disservice to the importance of the budgetary process to remove mechanisms of deliberation from that most important aspect of our work, yet allow it to be available to members for other legislative bills, resolutions or, or measures. So I'm, I'm, I'm conflicted about how this could potentially play out. I'm also not aware of or familiar with a significant history within the Nebraska Legislature of seeking division of our budgetary bills or matters. If memory serves, I, I think there was an effort by then Senator Kintner, who I served with on the Appropriations Committee, I think, at one point, to perhaps seek a division of the budget or something similar thereto. It was widely recognized as a, quote unquote, more nuclear option to lawmaking that he was exploring at that time. But other than that instance, I'm not aware of a consistent practice where there have been efforts to divide the question in regards to our budgetary matters. So I don't want to overcorrect our rules in regards to an issue that has not been a significant barrier to efficient and effective lawmaking in Nebraska in general.

**von GILLERN:** One minute.

**CONRAD:** Additionally-- thank you, Mr. President-- I would pose these questions for the record, and I didn't have a chance to get over to ask my friend, Speaker Arch, so I won't do it on the mic because I don't want to play "got you." But I, I am also wondering if perhaps there is a different-- a distinction without a difference here. Even if we advance this measure that prohibits a division of budgetary matters, I don't believe there is anything to stop an individual member from filing specific amendments on each section that could strike or that could change, in substance or from technical forms, each aspect of those budget bills. So I'm not sure it would actually even have the intended purpose that would otherwise be available through the straight amendment process and, and would like to open that open question for response and dialogue with any member. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator. Mr. Clerk.

**CLERK:** Thank you, Mr. President. Senator McKinney would move to amend the proposed Rule change 19. In Rule 8, Section 1(b), on line two after capital construction bill, insert the following language: except

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 17, 2024

Rough Draft

capital construction bills concerning the Nebraska Department of Corrections. Additionally, insert (d) to the rule: The bills pertaining to capital construction requests for the Nebraska Department of Corrections shall be referenced to the Judiciary. That measure will be passed out to members.

**von GILLERN:** Senator McKinney, you're recognized to open on the amendment.

**McKINNEY:** Thank you, Mr. President. I brought this amendment-- and thank you, Senator John Cavanaugh, for help-- for printing it for me. But I bought it-- I brought it because I think this is very important. That the "Nebraska Department of Punitive Services" is either 1 or 2 worst prison systems in the country, really in the world. And we cannot just blindly let them get away with just being a horribly ran system. They shouldn't be allowed to just request funds from the Legislature and it goes straight to Appropriations. They have to-- they should have to come sit in front of the Judiciary Committee and answer questions. Because I'll let you know again. Last year, they did not have anything ready to address programming. They hadn't completed a facility study that they were requested to do years prior. There were many questions about that prison that I feel like did not get asked because it went straight to Appropriations. If they're going to make a budget request to build a new prison, add on to a prison, any type of facility requests should go directly to the Judiciary Committee. They deferred maintenance on the State Pen for forever, and then lied to the Legislature and said that it was in disarray and we need to shut it down and we need a new prison. But last year, when I brought an amendment to demolish the State Pen, because if it's in such disarray and people shouldn't live there, we should demolish it as soon as we-- as soon as you guys built this new prison. That amendment got struck down because people believe that it still should stay open, which is a blatant lie. So honestly speaking, any request that comes from the department should come to Judiciary Committee. It is only right. We're the subject matter committee for the prisons. It's no reason why judges' salary should come to Judiciary but requests from the "Department of Punitive Services" should not. Can somebody please explain to me why the "Department of Punitive Services" requests can just go straight to Appropriations, but the judges' salaries won't? How does that make sense? If you're going to do it for the judges, you have to do it for the prisons, which is why I believe everyone in here should support this amendment. It's actually not an amendment to joke around or try to say, I, I gotcha or anything like that. It's actually a good amendment. I think the

department should have to come before the Judiciary Committee if they request any dollar from this place. Because it's ran horribly, it's been ran horribly my whole life time, it's still being ran horribly. We don't even have Ombudsman or OIG able to go inside right now because of a Attorney General's Opinion, and the Ombudsman wasn't even included in the opinion, but they can't even go inside. Where's the oversight? If we're not going to have oversight, then we, we need to do some things in this body to ensure we have better oversight over the prisons, which is why I brought this amendment. Would Senator Wayne yield to a question?

**von GILLERN:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**McKINNEY:** Senator Wayne, does it make sense that the judges salaries go to Ju-- go to Judiciary, but budget requests from the "Department of Punitive Services" does not?

**WAYNE:** No. I think we need to have a broader conversation. In fact, Senator Hansen and I brought a bill last year to require every, every agency to go back to its home jurisdiction for the committee every 5 years, to make sure that we actually, the committee of jurisdiction over that area has a say in what their budget and what their appropriations look like. So I agree with you.

**McKINNEY:** Do you think you-- there was some questions that weren't asked to the department last year when they requested the money for the prison?

**WAYNE:** 100%. The fact that Appropriations allowed for a study to be done and then that study not to be done and then go ahead and fund the prison is, is the, I think, evident of why this should be in front of Judiciary.

**McKINNEY:** I appreciate it. Thank you. That is the committee Chair of the Judiciary Committee. If we're going to send judges salaries to Judiciary, the department should be-- their requests should be sent to Judiciary, as well. We deal-- it's a 3-day committee. We have 100-plus bills. We deal with many things throughout the year around the prisons. Many of us go inside the prisons all, all year. There is no reason why they should be requesting funds and not do their job, and get to skate around the Judiciary Committee and go straight to the Appropriations Committee. It doesn't make sense. And that is why I

brought this amendment. And I think everybody else in this body should support this amendment, because it's putting up guardrails to make sure taxpayer dollars are spent properly. We talk about we need property tax relief and everything else every year. The way we could get that and a way we could start getting that is to ensure these agencies are spending dollars properly and efficiently and getting the job done. You're spending \$300-plus million for a system that is failing, and there's no return on investment at all, and they are trying to keep the old state prison open after they build this one. How does that make sense? How is that fiscally responsible? Anybody could stand up and say that's-- please, stand up and tell me a system that is failing is going to-- the, the new prison will be overcrowded day one. And you still have an aging facility that was, until last year, too old to keep open. How does that make sense for taxpayers? And you-- and we keep say-- well, I don't say it, but a lot of people say it, we need property tax relief and those type of things. We're spending our money wrong. We're wasting the taxpayer dollars by, by not putting up proper guardrails to the "Department of Punitive Services", and that's why I ask for your green vote to support this amendment. Thank you.

**von GILLERN:** Thank you, Senator McKinney. Senator John Cavanaugh is recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of Senator McKinney's amendment. And like a lot of things, I have mixed feelings about the underlying amendment. I do appreciate clarification as it pertains to things. But to speak specifically to Senator McKinney's amendment, we set policy through what we-- what-- where we spend money. Right. It's-- we all know that, that when we choose to spend money on something, it means that's important to us. And when we choose not spend something on-- money on something else, we, we are in-- inherently deciding which thing is more important and prioritizing it. Sometimes we disagree about what policy we should undertake as a whole. Right? But there's a lot of things we all agree on that we put lower down the list than others. And some of us would like to see money spent on rehabilitation services, less carceral alternatives to the folks who are in our system, and addressing those in a, in a more constructive way as opposed to just building more prisons, which we've all had this conversation that just looking at the numbers, we can't build our way out of it. But then, inherently, how we do that is a policy decision. And the people that are equipped to decide which thing we should prioritize is the Judiciary Committee. We've already, in this rule and in this conversation, granted the

premise the Judiciary Committee is inherently different and has subject matter expertise over the courts by keeping them, the judicial sal-- the judicial salaries there, which I agree with. I think that's important to make sure that those folks who do see those 100 and some bills that Senator McKinney talked about and hear all of the stories about what's going right, what's going wrong, what are the ideas out there? They get the-- law enforcement comes, prosecutors come, defense attorneys come, advocates who work with people who are returning from incarceration, people who are victims of crimes. The Judiciary hears it all and they see all of those things, and so they have an ability to make a determination about what is the right way to spend our money in that carceral system. So, we've already established that. This is just-- and actually, I'd say an even more important issue for them to have that, that authority over. I would also point out and we all know this, that if you want to hold the administration or an agency accountable, you need to have something that they want. Because if you, as-- your committee has no jurisdiction over their budget and you want them to come in and explain to you why something is going wrong, they can just ignore it. And they do, often. I mean, I know Senator McKinney or Senator Wayne can talk about this. I've [INAUDIBLE] that there are times when previous directors of Department of Corrections maybe didn't show up in Judiciary when we would have liked to have heard from them. But if this-- if the Judiciary Committee has oversight over their construction budget, then they certainly would be incentivized to come and answer questions and subject themselves to the jurisdiction of the committee, which is also important and will help us ensure that the system is running as well as we want it to or as well as we can get it to be. So I agree with this for that reason, as well. And the other thing is when a-- when the budget bills come out, especially if we are not-- if we're making them nondivisible, which I don't necessarily disagree with making budget bills nondivisible, although I would question the wisdom of anybody dividing the question on the budget bills anyway. But it, it is essentially saying you have to have 25 votes to take something out. So you have to have 25 people who agree enough to eliminate something from a budget.

**von GILLERN:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. So you have to put up an amendment to do that, as opposed to the Appropriations Committee does their work, sends out a budget. If we want to take something out, you don't need everybody to agree, right? You need, you need, if it's divisible, you would need 25 people to say, yep, that's a priority to us. We want to keep it in there. So it shifts the burden in terms of

who's setting that priority. And so putting it in the hands of the Judiciary Committee, putting it as a separate standalone, allows us to have that more robust conversation on this one issue, which we've had. In my three years here, has been a serious point of conversation in the budget conversation, and so, perhaps does merit a standalone construction bill that goes to a subject matter expert committee for jurisdiction and for their-- having their subjective or their, their critical eye on it, their expertise on it. So I'm in support of Senator McKinney's amendment, and I'll keep thinking on the underlying amendment myself.

**von GILLERN:** Time.

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

**von GILLERN:** Thank you, Senator Cavanaugh. Senator Dungan's recognized.

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise today in support of Senator McKinney's amendment. I, I think we've touched on a few important things here that I want to kind of highlight and then dig a little bit deeper into. A conversation about whether or not we're going to be doing capital construction for the Department of Corrections is one that I think should always have some extra highlighted importance. It's not something we should do willy-nilly. It's something that I think we should always make sure we're focusing on. And I think that ensuring that that conversation with regard to the capital funds goes to the Judiciary Committee rather than the Appropriations Committee achieves that goal in a number of ways. One, as we've already heard from other senators, it allows subject matter experts or people who at least have been hearing these kind of conversations time and time again to have input into those requests. As Senator Wayne had pointed out, this has been a, a proposal I know, in the past, to have at least some additional oversight or additional eyes on the pieces of paper from subject matter committees when we're talking about appropriating money for major projects. And I think that building a prison or implementing additional construction in prisons or modifications is something that the Judiciary Committee has the expertise or at least the experience to be able to, to focus on in a way that I think would be helpful. In addition to that, I also think that it allows for a further conversation to happen regarding building things such as new prisons. When these kind of requests go through the Appropriations Committee, I know that our Appropriations Committee works incredibly hard and they do a really difficult job that I think



a lot of us don't envy, but there is so many things that are on their plate when they're ultimately coming up with the mainline budget and addressing these kind of requests, that I know it can be essentially overly burdensome to dig super deep into some of these issues. And I think that, you know, part of what is helpful about having judges salaries be separate, is it allows an additional or a different committee to have a deeper conversation about that, digging deep into their background and expertise. By also ensuring that capital construction costs for the Department of Correctional Services goes to Judiciary, it achieves that same goal. It alleviates that pressure on Appropriations, and it adds the additional ability for the Judiciary to have that conversation. This is part of a larger conversation, frankly, that I think we should be having, as a body. I think it's a conversation we're going to have moving forward. But I'm actually very thankful that Senator McKinney raised this topic now, because if we're here and talking, I think we should be talking about issues that are affecting Nebraska. And our prison overcrowding is one of the most, if not the most pressing issue, in our judicial system right now. We, we lead the nation in incarceration. I know it's, it's us or Alabama, depending on how you count it. And that's a top 2 that I don't want Nebraska to be a part of. And it's one thing that I know most of my colleagues will acknowledge that our incarceration is a, is a huge problem and that we overly incarcerate. Where we disagree and where the conversation breaks down is the discussion of what do we do to address that? And I spent a great number of hours during this interim session thinking about this, talking with colleagues about this. I also spent a lot of time this interim session going into the Department of Correctional Services' facilities, touring them, meeting with Director Jeffries, meeting with the Parole Board, and also meeting with the individuals who are incarcerated there. I spent quite a bit of time meeting with folks who have spent quite a bit of time in the Department of Correctional Services, and had an opportunity to discuss with them what services have been available, what services they would like to see, and, frankly, what's working and what's not. You know, we had a long conversation last session about the difference between punishment and rehabilitation. And that is a conversation that I think we need to continue to have as a body, because what I was able to observe firsthand, is in talking to a number of these people who are--

**von GILLERN:** One minute.

**DUNGAN:** --thank you, Mr. President-- who are incarcerated, is that when they take part in these rehabilitative services, they benefit

from that. And when they benefit from that, what we ultimately have down the road are safer communities because people have actually addressed the underlying problems they're dealing with while they're in the Department of Corrections. And what I also hear is we need additional services for those rehabilitative services in custody. Because right now, there's simply just isn't the resources or the ability to do everything for everyone who needs it. And being able to address, for example, how this new prison is going to be built and what that capital construction cost is going to be, I think what allowed the Judiciary Committee and those who have expertise and experience in the matter to fully address those questions, and to focus on what we need to reduce our incarceration while still increasing community safety. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Dungan. I recognize Senator Arch.

**ARCH:** Thank you, Mr. President. I want to respond to this discussion. It's a great discussion, by the way, because it, it impacts all committees. First of all, the, the capital construction bill, in normal years, I would say, I'll, I'll put it that way, the capital construction bill is a single bill that has a list of all the agencies, all the departments, and their, and their capital requests. So it's not, it's not separate bills specific to agencies or departments, but rather it's a, it's a single bill. And that's how, that's how the capital budget. Now, I would say-- I say in a normal year is because one off, last year I think that was folded into the mainline budget. But I, I say that's not the, that's not the typical process for this. But I would point the Legislature's attention to another rule, Rule 8, Section 4, which is on page 55 if you have your book. And, and it talks about the standing committee Appropriations review. And it's Section (a): Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The Chairperson of the Standing Committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations. So what Senator McKinney is pointing out is very appropriate. There is a large issue with regards to the construction of, of a prison, and that would be very much within the jurisdiction of Judiciary Committee.

And, and so, the committee can request a review of that budget and make recommendations to the Legislature for amendments to that budget. But this could apply to any committee in the Legislature. And I, and I, I mention this because Chairs, please be alert. There is, there is an opportunity for you, as a Chair within your subject matter jurisdiction, to have a review of a particular large budget item, for instance, after the Appropriations Committee has heard that. And I draw myself back to the YRTC in Kearney. When I, when I chaired the special committee oversight of that YRTC situation in Kearney, one of the conclusions of that was we need to construct different living units out at that Kearney campus. With that, we could have, as the HHS Chair, could have asked for a separate hearing in HHS. However, that committee was already very much involved and so it was unnecessary to do that. But that would have been another example. So it's not just Judiciary that may have some of these issues, but there could be other committees, as well. So I say that to say I, I, I don't support the amendment, but I do support his, his concern that those kinds of things can and should be brought to the committee of, of subject matter jurisdiction, in this case, the construction of prison to the Judiciary Committee. But we have a rule that already allows for that and, and provides for that, the process. So I don't support the amendment, but I certainly understand where Senator McKinney is coming from and his concern on this. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Arch. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. And I do support Senator McKinney's amendment. I think this is also around a broader discussion that the Exec Board should be having around committees of jurisdiction. I looked this year at the-- I was just looking online and seeing the number of appropriation requests that I believe deal with programmatic [SIC] changes. These are program changes. When you decide you're going to move money, say, funding this and then deciding to fund that and change the requirements of those funding streams or change what they're eligible for, that is a program change. And that program change should go to the home jurisdiction of where that lies. If it's rural workforce housing, it should probably go to Government. It should not stay in Appropriations. And I think that needs to happen. And I think this year, in fact, I'm going to be sending some letters to Exec Board rerequesting where bills go if they are program changes inside of Appropriations. Too many times we are doing program changes inside of Appropriations and inside of our budget, and that's not where it's supposed to happen. That's not where those hearings are

supposed to occur. If you're talking about program changes, the-- what's being eligible for funding and what's being changed, that should go to the jurisdiction of that committee. That means there would be more bills in Government, more bills in Urban Affairs, more bills in Judiciary. But that also means there will be less bills in Appropriation. We have too many program changes going into Appropriations and that's one thing we should take a closer look at, especially the Exec Board. The second thing is, when it comes to corrections and Judiciary, I just find it ironic that they never actually show up in Judiciary, but they show up in Appropriations. So based off of the rule that he just quoted, Speaker Arch, I will be setting a committee-- a corrections hearing within the next week and a half, and we'll talk about the construction of the prison. And if they don't show up, maybe we can convict [SIC] the Exec Board to issue subpoenas at this point. Like, this is ridiculous that we are building a new prison that is going to be full the first day, and there's no actual plans. Now, I've heard of individual senators, including myself, talk to the new direction-- corrections director, and there's some good ideas. But again, those ideas should not go in front of Appropriations for funding. They should be changed legislatively through the process. We shouldn't just say we're going to add a new program and give them another \$2 million. There should be a full detail in Judiciary of what those programs currently are, what they're trying to change, and whether we think that's a good change or not. That is not an Appropriations decision. As much as I like Appropriations, they're not the expert in what's going on in reentry and all the other bills that are dealing with this issue. So in order to step back and look at the whole board and change things, there has to be a committee that's actually working on these things. And Appropriations is dealing with 80 agencies-- how many agencies? Seventy-five agencies. Corrections is just one of them. HHS Committee should be taking on a larger role when it comes to HHS and their programming. They're the experts, not just one hearing in front of the committee and Appropriations asking for funding, because it puts Appropriations at a disservice. They don't understand all the programming going on in corrections. They don't understand what's happening in our prison population. They only hear that from a little bit on the floor and what we kind of talk about if there's a briefing on it. But we blindly said, go ahead and build a new prison. What if we could put half--

**von GILLERN:** One minute.

**WAYNE:** --of the prison population who is already-- not half, but a lot of prison, the population, about over 1,000, I think, 300, who are actually community corrections back in the community. That would eliminate the need for a new prison. It would actually provide jobs and actually provide workers for people who are looking for jobs, such as Norfolk, such as Alliance, Scottsbluff. I can keep going on where they are looking for people to work and they can't get people. But we have people going back to those communities that have jammed out without any skill sets. That's not an Appropriations call. That is a judicial committee-- Judiciary Committee call. And that's where Appropriations and these Chairs going down in the future have to do a better lot of looking at budget requests and understanding if you really understand the complexities of that agency or that issue. And again, it's not a knock on Appropriations. I think it does a disservice to the actual overall product that we produce, simply because the agency is not getting the in-depth questions and conversations that would have at a hearing.

**von GILLERN:** Time.

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

**von GILLERN:** I recognize Senator Fredrickson.

**FREDRICKSON:** Thank you, Mr. President. Colleagues, I rise today, I believe, in support of Senator McKinney's amendment. And I appreciate him bringing this. And I appreciate both he and Senator Wayne's perspective on this. I tend to agree. I think that the Judiciary Committee is well suited to making decisions on Department of Corrections and appropriations related to the Department of Corrections, given their level of expertise. One thing I really admired about the Judiciary Committee is the thoughtfulness of the committee on whenever I've been in there presenting bills, and appreciate that. I do want to also go back to the underlying proposed rule change, proposed Rule change number 19, by Speaker Arch. My colleague, Senator John Cavanaugh, was-- presented some questions a bit earlier about the visibility of the budget and was kind of questioning whether or not it's wise to ever divide, divide the budget, per se. So that got me thinking a little bit more on whether that would be-- make any sense if that would ever occur. And I think it's obviously usual in customary practice not to divide the budget. And of course, as all of us know in here, we have a constitutional obligation to pass the budget. However, it's also, I think, really worth noting and underscoring that some of the cash reserves transfers

that happen with the budget involve very large public appropriations, and we could be doing a disservice to ourselves by limiting or striking outright our ability to divide out and consider specific portions individually. I think a recent example of this was the lake project, the STARWARS project. In LB1011 from fiscal year '22-23, we appropriated \$1 million of cash funds to study the safety and sustainability of the project. And as we've seen in [INAUDIBLE] recent experts and water experts, for example, have come out publicly talking about and cautioning against building on, specifically, a floodplain. And so, you know, this is an example where it might be prudent of us to be able to divide the budget if there are specific things that are going into the budget that might go against the best interests of Nebraskans and specifically, the safety of Nebraskans, if we are doing something that could compromise our land and also, the private property that people live on. We-- it might be incumbent upon us to, instead of just voting for the omnibus budget or voting for the whole budget, to be able to carve out and make actual decisions individually on things that could have significant impacts. So I-- I'm still kind of considering and thinking about this a little bit more, about whether it makes sense to fully outright strike our ability to do that. I do think it's obviously unusual and customary not to divide the budget, and that's usually best practices. But I think there certainly can be exceptions, as cited in the example I just gave. So I'll continue to listen to the debate on this. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Fredrickson. Recognize Senator Clements.

**CLEMENTS:** Thank you, Mr. President. As the Chair of Appropriations, I am not in favor of the McKinney amendment. And as Senator Wayne said, we have 75 state agencies that we review their budgets. Many of them have capital construction requests. All of those affect our Cash Reserve Fund, which has statutory guidelines for the amount that's budgeted out of the cash reserve, so that we don't get the reserve down too far. Some examples of things we've seen are the Perkins Canal project, over \$500 million. Game and Parks, they have buildings that they need to build different places and re-- and re-- rehab. Department of Transportation, they have maintenance buildings that are replace that we approve. They probably will be coming asking for more snowplows. We've, we've had snowplow requests from them, and I expect that again. And I thank you, Department of Transportation, for all your snowplow drivers and keeping the roads open. The HV-- heating and air, HVAC project here in the Capitol building was over \$80 million

project. That was also something we in Appropriations approved. So sending just one agency to a different committee [INAUDIBLE] budget and keeping the cash reserve in line with what we want to have. And also, it would create extra work for Appropriations, not less, as Senator Wayne suggested. And I was-- appreciated Speaker Arch, talking about Rule 8, Section 4, which already addresses this. And I'm certainly willing to work with another committee that would want to have a review of a project. That's not a problem with me. It, it does say in the rule that Appropriations would need to have considered the request first so that we are fitting it within the budget, but if there are suggestions on design or programming, as they are mentioning, I agree that would be appropriate for a, a review with another committee. So I do oppose this amendment. I think it's been addressed already in the rules. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Clements. I recognize Senator McKinney.

**McKINNEY:** Thank you, Mr. President. I rise again in support of this amendment, for reasons I stated prior. The honest truth is, if we don't have any policy changes over the next year or so around our criminal justice system, the prison that you guys voted to-- voted for last year will be overcrowded day one. That is a fact that cannot be denied. Which means we're going to have more requests from the "Nebraska Department of Punitive Services" to expand that prison and probably to keep NSP open, which until last year, last spring, it was in such bad shape that it couldn't stay open and why people voted to build the prison. They should not be allowed to just get around not following the law, because why the Ombudsman is not allowed inside the prisons is against the law. They're not even included in the AG's Opinion, and the AG's Opinion is just the AG's opinion. The Ombudsman should still be allowed to go inside the prisons. There is millions of issues going on right now that are not being addressed, because the state and this body won't stand up to the executive branch. It is also fiscally irresponsible not to have the, the department come before the Judiciary Committee. Would Senator Clements yield to a-- yield to a question?

**von GILLERN:** Senator Clements, will you yield to a question?

**CLEMENTS:** Yes.

**McKINNEY:** Thank you. Senator Clements, when the department came before you in their request for the prison, did you have an in-depth

conversation about when, why, were they-- and, and-- well, when and why the facility study wasn't completed and when was it going to be completed?

**CLEMENTS:** Not in depth, no. We talked about additional space for programming. We didn't get into details of that, though.

**McKINNEY:** When you talk-- when you talked about programming, did you talk about specific programming that was needed to alleviate the issues around programming or did you just talk about space?

**CLEMENTS:** We talked about issues because the current facilities don't accommodate enough programming and that they are wanting to expand that, but we didn't get into individual programs that they were going to propose.

**McKINNEY:** And last question. When they come back before us, probably in a year, and ask for a request for funding most likely to keep NSP open, do you think you'll probably support that?

**CLEMENTS:** I'll have to review the request when it comes. I, I couldn't commit to that today.

**McKINNEY:** All right. Thank you. And back to Rule 8, Section 4. I believe it should read: Any such review hearing shall not be held until the Judiciary Committee held its public hearing on that agency, board, or commission. And we could work around the language of an exception around that. But there's no reason why the department shouldn't have to go before the Judiciary Committee first, so we can ask the questions about what is needed, what is not being done, instead they're going into-- in front of the, the Appropriations Committee and just getting a blank check to just do nothing, do no good, not help--

**von GILLERN:** One minute.

**McKINNEY:** --people out, no rehabilitation. You said time? Oh, one minute. So I personally believe that the Appropriations Committee should be last. They should have to answer tough questions instead of getting a blank check. And then saying, hey, the, the Appropriations Committee just granted us millions of dollars. We really don't need to come to you no more because no matter what you ask or, or what you feel like we haven't done, we got the money to do what, what we want. That is backwards. That is completely backwards. And that's why this, this amendment should be passed. It should not be the-- it should not



be the Appropriations Committee first. It should be the committee of jurisdiction. Thank you.

**von GILLERN:** Thank you, Senator McKinney. Recognize Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. President. Well, again, I rise in support of this amendment, and I appreciate everyone's comments. And Senator-- when Senator Wayne pointed out, which is what I was talking about earlier, that the agency heads don't subject themselves to the questioning of the committee. And I did want to talk a little bit about-- I was talking earlier about the divisibility of the question and I guess I do like this rule about the nondivisibility because I was thinking back, and I know that Senator Fredrickson talked about this when, you know, you put up an, an amendment that allows for the conversation to happen on that particular subject. But if you divide the question, then it's just on whatever section you're on and it's not amendable. And so I could see if we allow divisibility, it might allow gaming of the system and never allow for an actual conversation for the amendments like mine. On the, the canal last year or Senator McKinney's on the construction last year, if we divided the question it got ordered in such a way as to never have that conversation. So I, I do think that, that might be the right-- strike the right balance. But I did want to kind of expand the conversation that since we did bring up Rule 8, Section 4, I guess I'll just while we're having this conversation and, you know, one of the reasons we have the conversation is to say, what is the best mechanism to effectuate this? And as Senator McKinney was talking, I thought what if we rather than the proposal that we have now amended Section 4 to say if the standing committee holds that-- this hearing that they're entitled to hold and the committee, you know, agency doesn't come and testify about their budget to that committee, then that section would automatically be withheld from the Appropriations bill. I don't know if that's the right idea. Just seems like we need to put-- if, if we're relying on-- if we're saying, no, this needs to go to Appropriations, shouldn't go to the subject-matter experts, which, as I said earlier, we've already conceded about judicial-- judiciary salaries. If we're saying Appropriations is appropriate place for the construction budgets for the prisons, then we need to put some kind of stick in the rule that we're relying upon if we're saying, no, Judiciary has the authority to bring them in and have them answer for it and subject them to this and to put up that amendment-- to put up an amendment to the budget. I think we need to actually give some teeth to that. We need to put something in there and say, if the, you know, budget-- if that

department doesn't come and subject itself, then automatically, whatever the proposal of the committee-- subject-matter committee would supplant the amendment. I don't know. I'm, I'm, I'm brainstorming here so I don't know if this is the right idea. But I'm just-- that was what I was thinking of as we're talking about this is that we have the subject-matter experts. We have-- they have all of this experience, but they don't have enough power to actually hold our agencies accountable. And we see the biggest problems in how our agencies operate. You know, some of them doing a great job. Some-- like all things in life, some are better than others and different people, you know, do a different job. But when we've had mistakes, it's because of sort of the isolation and entrenchment and, and lack of oversight from this body of those agencies. And it's really important that we do flex our muscle as a separate entity. And like all things, we set policy for the state, we pass laws, and then things go out into the agencies and they implement them and in their interpretation. The other power we have besides passing laws is the power of the purse, which is, we say, if we don't like what you're doing, we can take money away from you and give it to somebody else to do. We can put it into a different program, or we can just cut your budget and say, if you're not doing it--

**von GILLERN:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- if you're not doing it right then we aren't going to fund what you're asking for. And that gets people's attention. Gets them to come and subject themselves to answer questions, to be accountable. And that is one of our fundamental obligations in this Legislature is to hold the agencies, departments, the executive accountable and make sure they're actually doing what we set in policy, what we're appropriating the funds for, and what the intentions are. So I think this is-- a reason that we're talking about this as a set aside is it is a particularly important thing that's happening in our state. It's going to continue in an ongoing in our state, as Senator McKinney correctly pointed out, that this is not the end of construction requests for dollars from the Department of Corrections. And it's really important that we make sure we are holding them accountable and that they're doing the best work that they can. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Cavanaugh. Senator Dungan, you're recognized.

**DUNGAN:** Thank you, Mr. President. I rise again in support of Senator McKinney's amendment. I understand that when you're dealing with rules and modifications to the rules, it can be a little, I think, scary or there can be a little bit of hesitance with regards to modifying them with amendments. But I think that this is an important enough conversation to have that my colleagues should consider supporting this. One of the things that I was also noting in this debate is it sounded like Senator Clements, and he can correct me if I'm wrong, said that he did oppose this amendment, but that he was open at least to the possibility of other kind of budgetary requests pertaining to programming or other kind of things that are going on in the DCS facilities to have input or, or hearings by other committees. So that kind of got me thinking about other options we would have available to us because we don't have to just do things the way we've always done them. There is a history and a tradition in this body for having joint hearings on certain issues. For example, the Revenue Committee and the Appropriations Committee get together every biennium, I believe, to approve or to come up with sort of the, the, the outlook for fiscal years on the out years. That's a historical precedent we've had now for some time. So I started thinking about the possibility of joint hearings and I was speaking with some other senators about this, and it would maybe make sense to have a joint hearing between the Appropriations Committee and the Judiciary Committee when having conversations pertaining to funding for DCS. I understand that the Appropriations Committee has a lot of plates spinning at once. And certainly I, I know they don't want to have a bill approved or not approved that would sort of change their ongoing math because I know that there's a lot of things they're sort of balancing in those books. But again, having the input of the Judiciary on these conversations and being able to have individuals who have heard and talked about these issues time and time again to ask questions of, for example, the Department of Correctional Services, when they come in and propose these capital construction costs, and in asking those questions can highlight a lot of the things that we've discussed here today. What is the focus going to be on beds that can accommodate mental health services? What is the focus going to be in your construction with regards to the ability to have substance use disorder treatment? What is the ability in your facility to facilitate additional programming as you try to incorporate more rehabilitative services? And I think asking those questions with the background of knowing sort of where we are and how we got here can add some benefit to the hearing and trying to determine what exactly you're trying to glean out of the conversation. I believe that our current director of Department of

Corrections-- Correctional Services is very open to collaboration, is working to sort of come up with some good solutions moving forward to decrease our, our bed populations. But I think that when those conversations are happening about funding, having the Judiciary be there, even in a joint hearing capacity would be really interesting to have that input. I also wanted to comment briefly about the underlying rule change in and of itself. I will say I, I share some of the hesitancy, I suppose, about the modifications. I, I don't necessarily oppose it. Because I do know that in practice, the, the, the division of the question on, on appropriations bills or budget bills rather is not allowed in most circumstances and certainly not practicable, just given how many individual different pieces would have to be split apart and worked through prior to the conclusion of the debate. But I do also understand that, again, for the guardrails that are being put in place to keep the Legislature operating in the way that it should, where the Speaker came from with this-- with this conversation. So I do think that the proposed rule change 19 still delineating judicial-- or I'm sorry, judges' salaries going to the Judiciary is important. I appreciate that separation. I think early on, that was a part of the conversation that had happened and I appreciate Speaker Arch being open to--

**von GILLERN:** One minute.

**DUNGAN:** --thank you, Mr. President-- separating out the judges' salaries. But I do think that Senator McKinney and others have now raised an additional question of what else could be seen or heard, or at least had input from other committees? And I think that capital construction from DCS certainly as a concept makes sense. So I'm still listening to the conversation. I know we have a few more people in the queue, so I'm curious to see if there's any other issues that are raised, but I appreciate us having this debate here today. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Dungan. I recognize Senator Conrad.

**CONRAD:** Thank you, Mr. President, and good morning, colleagues. I am intrigued by my friend Senator McKinney's amendment to the proposed rule change that Speaker Arch has put forward in regards to our budgetary process. And I had the, the opportunity to share some different perspectives on how that interfaced with our budget deliberations in general. And as I'm keeping an open mind to what Senator McKinney is trying to do here, I think very admirably, I did want to echo a point that is made by Speaker Arch earlier and refer

the body to both Rule 3, Section 1(b), which gives additional authority for standing committees to take up budget-related matters. And then, of course, Rule 8, Section 4, that outlines a sense of, perhaps, concurrent jurisdiction for Appropriations and standing committees that Speaker Arch had already mentioned. So in many ways, I think that Senator McKinney's proposal is in clear alignment with a more collaborative instead of siloed approach between the subject-matter jurisdiction committees and the Appropriations process. I would also like to note that, that may be important to give a distinctive treatment to the budget of correctional services for a host of different reasons. One, if you look at the data in the information, the Department of Correctional Services, their budget has grown at a faster rate than education, than human services, than other core functions of government, and not just by a little bit, but by a significant amount. So we've seen an incredible explosion in funding for the Department of Correctional Services on the state level and, of course, on the county level and federal level as well. But there may be a need to have a distinctive treatment for this budget, which is out of control and which is facilitating an ongoing issue where we're taxing our citizens to death to foster mass incarceration and racial injustice. And this is exactly, precisely why there is an ever growing effort across the political spectrum to address smart criminal justice reform, because it ties our hands and our ability because of not only the human impact, but the fiscal impact in advancing investments in education or human services or infrastructure. So we see this playing out on the local level, which puts extraordinary pressure on property taxes. We see this playing out on the state level as we see less and less money going to things like higher education, for example, and more and more money going to prisons and building prisons without any sort of focus on program services, rehabilitation, or smart justice policy. So at some point we are going to have to grapple with this. And we heard very clearly last year until smart justice reform happens, it's not building one new massive prison it's building two. And it's critical that we continue our efforts, both from a fiscal perspective and a policy perspective, to bring smart justice reforms to Nebraska. Additionally, this goes to, I think, some other very important issues--

**von GILLERN:** One minute.

**CONRAD:** --in regards to legislative oversight and checks and balances-- thank you, Mr. President-- and particularly now, more than ever, due to the Attorney General's misguided effort to call into question our ability to conduct legislative oversight. For the first

time in over 50 years, our Ombudsman's Offices are not in the prisons. We do not have eyes and ears there to see what is happening from a systemic perspective or in acute and important cases. So, therefore, we must explore ways to address that from a legislative perspective. And I think legislative oversight on our prison system is requisite now more than ever without those other tools that are available. So I commend Senator McKinney for bringing forward additional creative solutions to ensure oversight and accountability of our most troubled institution--

**von GILLERN:** Time, Senator Conrad.

**CONRAD:** --which has a history of fleecing taxpayers and harming individuals. Thank you, Mr. President.

**von GILLERN:** Recognize Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I'm glad that word got out that I really like chocolate. Everybody's been dropping off chocolate that is sitting at their desks, but thank you. We're definitely keeping it under the \$50 gift limit today. Don't worry, folks. I rise in support of Senator McKinney's amendment, and I wondered if, if Senator Clements would yield to a question? I wonder if Senator Clements would yield to a question?

**von GILLERN:** Senator Clements, will you yield to a question?

**CLEMENTS:** Yes.

**M. CAVANAUGH:** Thank you, Senator Clements. So I was reading over the, the rule, and it says that capital-- part of it is the capital construction goes to Appropriations. Correct?

**CLEMENTS:** Yes.

**M. CAVANAUGH:** OK. So the-- last year, I think it was or maybe it was the year before, we appropriated money for the YRTC-Kearney to do a capital construction. Correct?

**CLEMENTS:** Yes.

**M. CAVANAUGH:** And has the Appropriations Committee provided any oversight over that project?

**CLEMENTS:** No, we have not.

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**M. CAVANAUGH:** Do you think it's your role to provide oversight over that project?

**CLEMENTS:** No.

**M. CAVANAUGH:** OK. Thank you, Senator Clements. I would agree. It probably isn't your role. I mean, other than being a senator, so we all have that role. But as a member of the Appropriations Committee and a bill going to Appropriations, that's not your role. But within the HHS Committee, we had actually created a special oversight committee into the YRTC's, specifically because of facility problems. And so I believe, and I think that the committee, at least in my first several years, believed that it was very much our responsibility to provide oversight over those facilities. And I would like to let you all know that when Senator Day and I traveled to YRTC-Kearney in early November, they had gutted the buildings that we had given them the money to gut and renovate, and they had done nothing else and they are sitting on it. Now the YRTC itself is not sitting on it, DAS is sitting on it. In the meantime, we are struggling in that same facility to have any oversight unless one of us can go there. Because the Governor has decided to completely ignore the laws of this state and take an Opinion as law, which is not actually how the law works. So if you were to go to the YRTC-Kearney, you would see that the young men that are at that facility are still in an open-dorm style. We have a large number of youth there that have "interrelational" conflicts that are very serious and very violent, and there is very unsuitable housing for them that makes it unsafe for the young men that are there. And it also makes it unsafe for the staff. And there's an increase of incidences in abuse of the staff, and there's an increase of incidences of abuse of the youth that are there, and there is no oversight. And the facility that the Appropriations Committee gave money to, I think around \$20 million, is not getting oversight by the Appropriations Committee because it is not the role of the Appropriations Committee to provide oversight of all of the capital construction that they approve. But we do have committees that have jurisdiction over these different things. We have a Judiciary Committee that has jurisdiction over correctional facilities. We have an HHS Committee that has jurisdiction over HHS facilities. And since I have been in this Legislature, I have taken numerous--

**von GILLERN:** One minute.

**M. CAVANAUGH:** --tours of HHS facilities from the very first year. And at times it has been a collaborative effort between Judiciary and HHS.

My freshman year, Senator Sara Howard and Senator Steve Lathrop took us all. We went to the Lincoln correctional facilities. We went to the YRTC facilities. We did oversight because that is the job of those committees to do oversight. So it makes perfect sense to me to adopt Senator McKinney's amendment. And I think it should make perfect sense to everyone on the Appropriations Committee to do so as well, unless they want to start taking up that mantle. So unless the Appropriations Committee is willing to start traveling to these facilities throughout the state and provide oversight on behalf of this body, I think that they should be voting for Senator McKinney's amendment. I have less than a minute left, so I will yield the remainder of my time. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Cavanaugh. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. President. I'm sure Senator Cavanaugh and a lot of families and a lot of juveniles in the state's care would describe the department as the "Department of Hell and Harm." But looking at Rule 3, section (b) in that paragraph that Senator Conrad mentioned: a committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in the subject-matter jurisdiction. That has never happened since I've been here. So we're not even following our rules. So either Judiciary and Appropriations needs to have joint hearings when they ask for these requests, or you support my amendment because that last piece of that section has never happened. But would Senator Blood yield to-- yield to some questions?

**von GILLERN:** Senator Blood, will you yield to a question?

**BLOOD:** Yes.

**McKINNEY:** Thank you. Senator Blood, you have some experience working in the prisons. And I wanted to ask you if the "Department of Punitive Services" came before the Judiciary Committee and requested \$350 million for a new prison and money for programming, what type of questions would you have asked?

**BLOOD:** Oh, gosh, good question. And I'm not sure I can do it in this amount of time. So based on working for the prison system for almost seven years, I would want to know what was and was not working with what we have with the current system before we want to go ahead and build out and try something new. And so one of the things I saw, both



when I worked there and in many of the reports that we've received year after year, is that they aren't always doing a really good job of identifying the inmate's criminogenic needs. In other words, what are they doing to make sure that they start the reentry process on the very first day of incarceration, as opposed to just warehousing people, which we know is what's been happening. So that would apply to things like criminal history-- sorry, it's a long answer, substance abuse, educational level, had they had any childhood victimization. And we need to know these things because if they're coming to us for more money for programming, that's the next piece of that puzzle. So are we able to offer them job skills that will actually allow them to get a job upon reentry? Evidence-based programming that helps reduce recidivism because we're not spending tax dollar payments-- the tax dollars wisely if it's a revolving door. Mental health, always mental health, substance abuse, family ties. I'm not seeing really good programming for family ties. And I want to know if a facility is not able to serve, supposedly, the state any longer, that they're definitely going to shut it down if we're allowing them to have funds for a new prison. And I never-- that was never really clear to me. And it's really unfortunate they didn't get in front of us. And then, of course, we want to talk about reducing restrictive access and solitary confinement. And then once they're out, the halfway houses and community resources, what can we do better? So we tend to blindly fund things in Nebraska, or we do knee-jerk reactions when there's a crisis like what happened at Tecumseh. And we never really solve the problems. We just kind of put a Band-Aid on it. So those are some of the questions I would ask is, like, what are they doing to make it better before I give them money to try and make it better?

**McKINNEY:** Thank you. And, and I appreciate that. And that's where I'm getting--

**von GILLERN:** One minute.

**McKINNEY:** --and that's where I'm getting to with this amendment. There are questions that need to be answered before you write a check to the "Department of Punitive Services." If they come one year and say we need \$10 million, we give it to them. And then the next year they say, we need another 10, shouldn't we ask how was that other 10 used? Did it accomplish anything positive? That's what I'm talking about here. We shouldn't just be giving them a blank check. And we're, obviously, not following our rules because they have never come before the Judiciary Committee and answered these questions on budget request. So if you all don't want to support this, I suggest the Appropriations

Committee supports Judiciary and Appropriations at the same time in a joint hearing when they-- when they come before the committee. Either support this or support that. Thank you.

**von GILLERN:** Thank you, Senator McKinney. Senator Conrad is recognized.

**CONRAD:** Thank you, Mr. President. And I know there are an additional host of creative solutions to try and foster more collaboration across the subject-matter jurisdiction committee and the Appropriations Committee that are happening. So really, again, want to thank Senator McKinney for lifting this issue and idea because it has prompted not only good debate but a lot of collaborative discussion off, off the mic as well, which is appropriate and constructive. I also wanted to lift a few recent examples about the, perhaps, need for additional sunlight, additional transparency, additional attention to be paid upon our troubled Department of-- Department of Corrections. The other-- let me-- let me provide a few recent examples. Of course, we have a fair amount of information and data that has been provided through special reports and annual reports by our Inspector Generals until this year due to the Attorney General's misguided weaponization and politicization of his ability to issue legal Opinions, which the administration has seized to thwart current law regarding oversight. Nevertheless, we do have their reports and recommendations from recent years which show ongoing pattern and practice of potential human rights issues, of issues related to frontline staff, including their safety and their work environment. We, we also have a fairly recent report that has been put forward, I, I believe penned by State Auditor Foley, that shows that the Department of Corrections has a significant amount of questions in play for the utilization of over \$20 million in ARPA funds. Which should be grabbing a lot more headlines than, than it is. And this was just literally within the last weeks that that report from Senator or Auditor Foley came, came to light and shows the additional mismanagement in our Department of Corrections. The other thing that I wanted to let people know about was, in addition to this solution-oriented approach to ensure better collaboration, the existing collaboration afforded for in our rules between subject-matter committees and the Appropriations Committee, there is also the rare but possible opportunities wherein senators themselves go testify on budgetary matters or hearings that is rarely utilized in our practice. But it is something that, perhaps, is also available if this measure does not move forward that I wanted to lift as a potential solution or remedy that would not require a rules change. Additionally, you may remember how these issues play out in very, very

recent years without a more robust collaboration between Judiciary and Appropriations on issues like smart criminal justice reform that have a significant fiscal impact and, of course, human impact as well. You saw, for example, after a very extensive, thoughtful process between all branches of government to put forward a roadmap for smart justice reforms that have worked in our sister states, including red states, to help save taxpayer--

**von GILLERN:** One minute.

**CONRAD:** --dollars and update our criminal justice laws. Thank you, Mr. President. Those were put forward, and then Senator Suzanne Geist led a filibuster to undercut those smart justice efforts, which then led to efforts by Senator Lathrop to take significant deliberation and debate on the state budget because of how those policy issues were interlinked and interconnected. So perhaps having a more collaborative approach rather than having just those methods and solutions available may be better. And I do want to note how important it is that we do have more opportunities for a collaborative approach. As the Attorney General's Office worked last year with Senator Wayne and Senator McKinney, admirably, to try and advance modest but meaningful, smart justice reforms, then they turned around--

**von GILLERN:** That's time, Senator.

**CONRAD:** --and sued the Legislature over it. So we're, we're going to need to improve our methods of oversight. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Conrad. Senator Machaela Cavanaugh is recognized.

**M. CAVANAUGH:** Thank you, Mr. President. I think this is a really important and fascinating conversation that I wasn't really expecting, but I'm happy that we're having it. Because I'll be honest, I hadn't paid that close of attention to this particular rules change. And now that I'm kind of keying into the rules of debate on this change, I'm like, oh, OK. I knew one of the big things was about the judges' salaries, because we've had that fight numerous times during the Appropriations bill on the floor. And so I, I think that that is, you know, an interesting thing to have changed here or stated here in the rules. But the part about capital construction, I'm very thankful to Senator McKinney for bringing this forward because it, it does raise the question of how we're supposed to be providing oversight. And just put a pin in it for a moment the, the issue of the OIG and our

authority that we delegate or etcetera. We are tasked with oversight, and it is the entire body's responsibility to provide oversight of tax dollars that we are appropriating and voting for and putting out into the universe. But that's a lot of work to expect each and every single senator to do. And that's part of the reason that we have this whole committee structure to begin with about legislation, policy, and money in and money out. So for me, it makes a lot of sense to look at how we are appropriating dollars and sending them out and what things are going to require a higher level of oversight. And I think when we are talking about keeping people in an incarcerated situation, whether it be a youth rehabilitation treatment center or a psychiatric center or a drug rehabilitation center or a correctional center, we have a responsibility even more so because we're not just spending taxpayer dollars. We are also charged with the care of those individuals, whoever they may be. And it is a lot to expect of a committee that is tasked with a multi-billion dollar budget to keep oversight of every single thing that the state spends money on. So for me, this makes an enormous amount of sense to make this additional change to add that it is the role of the Judiciary Committee to provide this crucial oversight. And I think it would even make more sense to add HHS Committee for facilities within our purview. I'm not going to bring that amendment because I'm new to this conversation, but it's something that we could probably discuss for the 2025 rules updates next year. So I encourage you all to look at this proposed change very seriously and consider how we can provide good governance even better. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Cavanaugh. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much. You know, my only 2 cents here is, one, I do appreciate Senator McKinney for bringing this. I think in the past, the struggles that we have had has been the Department of Corrections has come into Appropriations, and we've asked some questions in regards to policy that they're bringing to Judiciary and we don't-- we don't get the answers typically that we need. I'm not necessarily in support of, of this proposal because I do think that there is a responsibility in the Appropriations Committee to be making funding decisions in regards to capital construction. But I do think that accountability and the transparency with what is communicated to Appropriations should also happen to Judiciary. And so I know that there's at least a conversation, if not an amendment that will bring some requirement or the ability to may for an ex officio member or members from the Judiciary Committee, either Chairs and additional

individuals, to come to a hearing where the basically the head of Corrections would have to answer these questions and won't be able to-- well, not answer the questions in Judiciary that are, are being asked by several members of the committee, including Senator McKinney and others and Senator Wayne. And I think that, that process is important because if there are not answers being actually given in regards to some of the policy changes or capacity that has been brought up, that makes our life harder. Because one of the things that is true in conversations in the past, we typically have conversations with Judiciary about informing, you know, what we do in Appropriations. But we do deal with just the capital construction side and whether or not we are or not funding something and to what extent. But I do think it's important for Judiciary, especially the Chair and other members, to be involved in that. So my hope is that something, either an amendment will be brought that will enable that, and that Corrections is listening and will follow suit. And, and I think that's the most important thing we can do to move forward. Thank you.

**von GILLERN:** Thank you, Senator Vargas. Seeing no one else in the queue, Senator McKinney to close.

**McKINNEY:** Thank you, Mr. President. Colleagues, I call for a call of the house.

**von GILLERN:** There's been a request for the call of the house. All members in favor of calling the house vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 22 ayes, 2 nays to go under call, Mr. President.

**von GILLERN:** 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 McKinney, the clock is running. You're recognized to close.

**McKINNEY:** All right. Thank you, I appreciate it. Colleagues, I didn't bring this amendment just to waste time. I brought this amendment because I think is something we should do. The "Department of Punitive Services" shouldn't be writing blank checks, skipping the line, and going to Appropriations and not doing their job. We literally have one of the worst, if not the worst, prison systems in the country and in the world. You cannot blindly ignore that. They shouldn't be given blank checks. They should have to come answer tough questions and be

fiscally responsible to Nebraska taxpayers. We have conversations about property tax relief where there's going to be conversations about raising sales taxes. How about we hold them accountable and they don't get \$350 million to do nothing? There is no rehabilitation happening right now. It's not and, and that's a pure fact. Yes, there are some that are able to take advantage of some opportunities, but it should be way more. Our prison system is horrible and it's been horrible, and we haven't held them accountable because we keep writing blank checks. They should be forced to come before the Judiciary Committee and explain clearly why they want more money to do nothing. I see nothing wrong with that and then later on this session, people are going to stand up and say we should think about the taxpayers. We should think about the money we're spending down here, but then vote against this. You shouldn't vote against this if you really care about your constituents and the taxpayers. If you really want property tax relief, this is something you should support. This is fiscally responsible, holding them accountable to the dollars that we spend. You voted for a prison, let's make sure they do it right. I don't think we should be building a prison. I think there are some policy changes that are needed as well, because that prison that you decided to build is going to be overcrowded day 1. And that is a pure fact. We have multiple issues inside of all our institutions. The York women prison has problems with water. Those women can't even drink the water or shower with the water or wash their hair every day with the water because the water is so horrible. But you want to write them a blank check. They should have-- they should have to answer that question. The individuals inside of our prison institutions are still human at the end of the day no matter if you think, think they are a criminal and they did their time-- and they did the crime and they should do their time. They are still human and a lot of you all are human as well so let's have some humanity in this place. We do a lot of bad things in this world. Can we please have some humanity? And I would advise you all to support this amendment, because I think it's the right thing to do to hold the "Department of Punitive Services" accountable--

**von GILLERN:** One minute.

**McKINNEY:** --to the Legislature. Thank you. Roll call vote, reverse order.

**von GILLERN:** Senators, you've heard the close. The motion before the body is, shall the amendment to the proposed rule change, Rule 7, Section 3 be adopted? Mr. Clerk, please call the roll.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 17, 2024

Rough Draft

**ASSISTANT CLERK:** Senator Wishart not voting. Senator Wayne voting yes. Senator Walz voting yes. Senator von Gillern voting no. Senator Vargas voting no. Senator Slama voting no. Senator Sanders voting no. Senator Riepe voting yes. Senator Raybould voting yes. Senator Murman voting no. Senator Moser voting no. Senator Meyer 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. Senator Hughes. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting no. Senator Halloran voting no. Senator Fredrickson voting yes. Senator Erdman voting no. Senator Dungan voting yes. Senator Dover voting no. Senator Dorn voting no. 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 Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar not voting. Senator Bosn voting-- Senator Bosn voting no. Senator Blood voting yes. Senator Ballard voting no. Senator Armendariz voting no. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. Vote is 13 ayes, 32 nays, Mr. President.

**von GILLERN:** The amendment is not adopted. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, next item on the bill-- or excuse me, on the proposed rule change. Senator Wishart would move to amend proposed rule change 19 by adding the following language: New subsection on Rule 8, Section 4. Standing Committee Chairperson as Ex Officio Member. The chairperson of a standing committee, or a designee of the standing committee chairperson, may serve as an ex officio member of the Appropriations Committee during hearings for review of state agency, board, and commission budget requests when those agencies, boards, or commissions are reasonably encompassed in the standing committee's subject-matter jurisdiction. That rule change will be distributed to members.

**von GILLERN:** Senator Wishart to open.

**WISHART:** Thank you, Mr. President, and good morning, colleagues. I have been listening closely to the debate this morning, and as a member of Appropriations Committee, thinking about how we can address some of the concerns that I'm hearing from members on the floor, in particular around the Department of Corrections. But there have been

examples in other subject-matter committees as well. And in-- so in, in listening to the-- to the different positions and in talking with some of my colleagues on Appropriations Committee with the Speaker and, and the Clerk and, and Senator McKinney brought this amendment forward as a opportunity to try and see if we can address some of the underlying issues of those who are on sort of a subject-matter expertise committee. So we take Judiciary Committee being able to sit, have either the Chair or an appointed member sitting as an ex officio. So this would be a nonvoting position, but sit in an Appropriations Committee hearing that deals with their subject matter. And this is why I see there's a benefit for both that committee-- that subject-matter committee and the Appropriations Committee. For the subject-matter committee, they have the opportunity then to ask some tough questions of the agency that comes in to us from the perspective of sort of the policy goals that are coming out of that committee, but also get to hear the Appropriations perspective and discussion around the budget constraints and, and our sort of budget process for addressing how we fund these different areas of government. And for the Appropriations Committee, there's a huge learning benefit for having a subject-matter expertise sitting in an ex officio capacity in that committee so that we can hear those tough questions. We can have those important dialogues over public record to better understand and, and remove any silos that, that exist in, in the Legislature in, in terms of how we're funding different priorities and, and what are some of the concerns that are occurring. And in this case, in particular, around our correctional facility in, in the building of a new Penitentiary. So, colleagues, I'm-- I hope you will consider voting in, in support of this amendment. I think it will offer an opportunity for us to improve our process, and for us to remove some of the silos that may exist in the Legislature, and from that then have some better policy that comes out of it. Thank you.

**von GILLERN:** Thank you, Senator Wishart. Mr. Clerk, for new bills and items.

**ASSISTANT CLERK:** LB1328 offered by Senator Murman. It's a bill for an act relating to schools; to change provisions relating to classification of school districts; to harmonize provisions; repeal the original sections. LB1329 by Senator Murman is a bill to change provisions relating to an award of a student attending a community college, state college, private college, or the University of Nebraska under the act; provide definitions; to harmonize provisions; repeal the original sections. LB1330 by Senator Murman. It's a bill for an act relating to public education institutions; define terms; prohibit



public educational institutions from taking certain actions relating to diversity, equity, and inclusion; provide for injunctive relief. LB1331 by Senator Murman is a bill for an act relating to education; to redefine terms; change provisions, terminology, duties, and penalties relating to truancy and attendance; change powers and duties relating to the State Department of Education, State Board of Education, and Commissioner of Education; change provisions relating to application and requirements for option students, high school graduation requirements, alternative teacher certification programs, student loan repayment assistance, innovation and improvement grants established by the State Department-- State Board of Education, the Summer Food Service Program, special education expenditures, programs for learners with high ability, behavioral health points of contact, state lottery funds used for education, behavioral awareness training, College Pathway Program; harmonize provisions; to eliminate an innovation grant program established by the department and a mental health first aid training program; to repeal the original sections; and to outright repeal Section 79-11,160, Revised Statutes Supplement, 2013 [SIC]. LB1332 by Senator Dungan is a bill for an act relating to consumer protection; to adopt the Prepaid Card Consumer Protection Act. LB1333 by Senator Vargas. It's a bill for an act relating to the Business Innovation Act; change federal award matching grant and funding limitations as prescribed; and repeal the original sections. LB1334 by Senator John Cavanaugh. It's a bill for an act relating to the criminal procedure; change provisions relating to the revocation of probation and waiver of probation fees; and repeal the original sections. LB1335 by Senator Moser is a bill for an act relating to the Nongame and Endangered Species Conservation Act; define terms; change provisions and provide duties and exemptions from the Nongame and Endangered Species Conservation Act relating to transportation infrastructure; to harmonize provisions; and repeal the original sections. LB1336 by Senator DeKay. It's a bill for an act relating to broadband; to remove certain jurisdiction from the Public Service Commission and transfer administration of the Nebraska Broadband Bridge Act to the Nebraska Broadband Office; change and provide powers and duties; define and redefine terms; change matching fund requirements; change application weighted scoring consideration; to create a fund; change how the Nebraska Broadband Bridge Act is construed; to harmonize provisions; repeal the original sections. LB1337 by Senator Walz is a bill for an act relating to schools; to adopt the School Construction Financing Act. LB1338 by Senator Walz. A bill for an act relating to education; to adopt the Good Life Promise Act. LB1339 by Senator Brewer. It's a bill for an act relating to

schools; to change provisions relating to carrying a concealed handgun and possession of a firearm in a school on school grounds or school events; define and redefine terms; provide for public and private schools, provide emergency response mapping data to public safety agencies; provide for grants; provide powers and duties for educational service units, State Department of Education and State Board of Education; change permitted use of the School Safety and Security Fund; harmonize provisions; and repeal the original sections. LB1340 by Senator Kauth. A bill for an act relating to motor vehicles; change provisions relating to motor vehicle homicide; change the enforcement of a violation of any interactive or handheld wireless communication device while operating a motor vehicle as prescribed; change provisions relating to speed limit violation; change provisions related to persons who are authorized to remove vehicles from highways; provide and change fines and penalties; harmonize provisions; and repeal the original sections. LB1341 by Senator Wayne. A bill for an act relating to hemp; to impose a higher sales and use tax rate on sales of consumable hemp products; provide for the distribution of tax revenue; state intent regarding funding; harmonize provisions; and repeal the original sections. LB1342 by Senator Wayne is a bill for an act relating to revenue and taxation; provide a sales and use tax exemption for electricity and natural gas as prescribed; to provide an operative date; repeal the original sections. LB1343 by Senator Wayne. It's a bill for an act relating to the office of Public Counsel; change and eliminate provisions relating to the appointment and reappointment and terms of the Inspector General from Nebraska Child Welfare and the Inspector General of Nebraska Correctional System; repeal the original sections. LB1344 by Senator Wayne. A bill for an act relating to the Nebraska Innovation Hub Act; to redefine terms; change provisions relating to iHub applications, designation, terminations as prescribed; require a report to the Legislature; harmonize provisions; repeal the original sections. LB1345 by Senator Wayne. A bill for an act relating to revenue and taxation; to impose sales and use taxes on certain services; provide an operative date; repeal the original section; declare an emergency. LB1346 by Senator Vargas. A bill for an act relating to property taxes; provide a property tax exemption for qualified affordable housing developments as prescribed; define and redefine terms; change provisions relating to exemption application procedures; harmonize provisions; and repeal the original section. LB1347 by Senator Walz. A bill for an act relating to schools; to adopt the Community Schools Act. LB1348 by Senator Murman. It's a bill for an act relating to Tax Equity and Educational Opportunities Support Act; to change provisions relating

to comparison groups for purposes of calculating basic funding under the act; and repeal the original section. LB1349, Senator Murman. It's a bill for an act relating to revenue and taxation; to impose sales and use taxes on certain services; to eliminate certain sales and use tax exemptions; harmonize provisions; provide an operative date; and repeal the original sections; declare an emergency. LB1350 by Senator DeBoer. It's a bill for an act for public health and welfare; to define terms within the child-- Health Care Facilities Licensure Act; to harmonize provisions; repeal the original sections. LB1351 by Senator DeBoer. It's a bill for an act relating to corrections; change provisions relating to terminology; eliminate obsolete provisions; and to repeal the original sections. LB1352 by Senator DeBoer. It's a bill for an act relating to appropriations; to state intent regarding appropriations of federal funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Act [SIC] pursuant to the American Rescue Plan (Act) of 2021; and to declare an emergency. LB1353 by Senator Vargas. It's a bill for an act relating to insurance; change provisions relating to coverage for screening mammography and breast examinations; provide an operative date; repeal the original section. LB1354 by Senator Albrecht. It's a bill for an act relating to revenue and taxation; to adopt the Advertising Services Tax Act. LB1355 by Senator Vargas. It's a bill for an act relating to the Opioid Prevention and Treatment Act; change provisions relating to the Nebraska Opioid Recovery Fund; provide for grants; to harmonize provisions; repeal the original sections. LB1356 by Senator Wayne. It's a bill for an act relating to the Community Development Assistance Act; change provisions relating to program proposals and review, powers and duties of the Director of Economic Development, Department of Economic Development, eligibility for and maximum limits on tax credits; to eliminate obsolete provisions; harmonize provisions; repeal the other regional sections. LB1357 by Senator McDonnell. It's a bill for an act relating to crimes and offenses; prohibit camping on political subdivision property as prescribed; define a term; harmonize provisions; repeal the original sections. LB1358 by Senator McDonnell. It's a bill for an act relating to political subdivision; to require approval of registered voters to increase salaries of governing bodies as prescribed; provide a duty for the Government, Military and Veterans Affairs Committee. LB1359 by Senator McDonnell. It's a bill for an act relating to bonds; change provisions relating to the issuance of bonds in the city of the metropolitan class; and repeal the original sections. LB1360 by Senator McDonnell. It's a bill for an act relating to courts; create the Court Security and Service Reimbursement Program. LB1361, Senator

McDonnell. A bill for an act relating, relating to revenue and taxation; to adopt the Long-Term Resident Homestead Exemption Act; harmonize provisions; repeal the original sections. LB1362 by Senator McDonnell. It's a bill for an act relating to property taxes; change provisions relating to the valuation of residential property; provide applicability; repeal the original sections. LB1363 by Senator McDonnell. It's a bill for an act relating to revenue and taxation; change provisions relating to the rate and disbursement of the documentary stamp tax, the Military (Base) Development and Support Fund, Nebraska Film Office Fund, the Innovation Hub Cash Fund, the Economic Recovery Contingency Fund; harmonize provisions; repeal the original sections. LB1364, Senator McDonnell. It's a bill for an act relating to economic development; to change provisions of the Site and Building Development Act, provide for a transfer of the Cash (Reserve) Fund; repeal the original sections; declare an emergency. LB1365, Senator McDonnell. A bill for an act relating to retirement; change provisions relating to the preretirement planning program, the State Personnel System, members of the Public Employees Retirement Board; provide for the hiring of any number of assistant directors and deputies of the Nebraska Public Employees Retirement Systems and authorize compensation for such employees to be determined by the director. LB1366 by Senator John Cavanaugh. It's a bill for an act relating to real property; change provisions relating to the use of eminent domain; repeal the original section. LB1367 by Senator John Cavanaugh. It's a bill for an act relating to revenue and taxation; to adopt the Property Tax-- excuse me-- Circuit Breaker Act; to harmonize provisions; and repeal the original sections. LB1368, Senator Ibach. It's a bill for an act relating to fertilizer; to adopt the Nitrogen Reduction Incentive Act. LB1369 by Senator John Cavanaugh. It's a bill for an act relating to renewable energy; define terms; provide for interconnection between a local distribution system and an agricultural self-generation facility as prescribed. LB1370 by Senator Bostelman. It's a bill for an act relating to public power; define terms; to require an electric supplier to replace the retired dispatchable electric generation facility as prescribed. LB1371, Senator Vargas. It's a bill for an act relating to schools; provide and change graduation requirements; change duties relating to academic content standards; repeal the original sections. LB1372 by Senator Brandt. It's a bill for an act relating to revenue and taxation; change provisions relating to individual and corporate income tax rates and property tax credits; repeal the original sections. LB1373 by Senator Blood. It's a bill for an act relating to public health and welfare; to adopt the Dietitian Licensure Compact; change provisions

relating to criminal background checks under the Uniform Credentialing Act; to harmonize provisions; repeal the original sections. LB1374 by Senator Linehan. It's a bill for an act relating to economic development; to adopt the Good Life District Economic Development Act; change provisions relating to restricted funds limitations; redefine terms under the Community Development Law; change the Good Life Transformational Projects Act as prescribed; repeal the original sections; declare an emergency. LB1375 by Senator Lowe at the request of the Governor. It's a bill for an act relating to county government; to change powers and duties of a county planning commission; change provisions relating to granting, denying, or applying for a conditional use permit or special exception as prescribed. LB1376 by Senator Riepe. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Health and Human Services. LB1377 by Senator Walz at the request of the Governor. It's a bill for an act relating to education; provide and change requirements relating to certain training as prescribed; to harmonize provisions; repeal the original sections. LB1378 by Senator Dover. It's a bill for an act relating to public funds; state legislative intent to appropriate funds to the Department of Administrative Services; change provisions of the Nebraska Public Safety Communication System Revolving Fund; change provisions and provide for a transfer from the 911 Service System Fund; eliminate obsolete provisions; harmonize provisions; repeal the original section. LB1379 by Senator Dover. It's a bill for an act relating to revenue and taxation; to create the Housing Aid Fund; change provisions relating to the housing advisory committee under the Nebraska Affordable Housing Act and the rate and disbursement of the documentary stamp tax; provide an operative date; repeal the original sections. LB1380 by Senator Dover. It's a bill for an act relating to appropriations; to provide for a transfer from the Cash Reserve Fund; state intent to appropriate funds to the (Department of) Administrative Services to Wyuka Cemetery; and declare an emergency. LB1381, Senator Ben Hansen. It's a bill for an act relating to the federal Supplemental Nutrition Assistance Act [SIC]; to provide work requirements as prescribed; provide an operative date; repeal the original sections. LB1382 by Senator Hansen. It's a bill for an act relating to ballot initiatives; provide a restriction relating to the payment of petition circulators; prohibit certain contributions to a ballot question committee; harmonize provisions; provide an operative date; repeal the original sections. New resolutions: LR282 offered by Senator Lippincott. Would constitute an application according to Article V of the Constitution of the State of Nebraska. Regarding the same subject matters, applications to call a

Transcript Prepared by Clerk of the Legislature Transcribers Office

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convention for the limitation on the number of terms. LR283CA offered by Senator Machaela Cavanaugh, is a proposed constitutional amendment to create the Legislative Salary Commission and change provisions relating to legislative salaries. LR284 [SIC--LR284CA] offered by Senator DeBoer, is a proposed constitutional amendment to create within the Legislature the office of Public Counsel. LR285CA offered by Senator McDonnell. It is a proposed constitutional amendment authorizing the Legislature to provide a different method of taxing residential property. LR286CA by Senator von Gillern is a proposed constitutional amendment to prohibit the state of Nebraska and its retirement system from contracting and investing in companies that have active business operations with any foreign terrorist organization or state sponsor of terrorism. An announcement that the Executive Board has chosen LB1321 as a committee priority bill.

**von GILLERN:** Thank you, Mr. Clerk. Recognize Senator Aguilar for an announcement.

**AGUILAR:** Thank you, Mr. President. Just a reminder that the bill introduction deadline-- deadline is this afternoon upon adjournment. My office has received word from the Revisor of Statutes office that all three-part requests have been received and are currently in route to your office. If your office has not yet received a three-part for a bill or if you have not yet requested a three-part for a bill that you would like to introduce, please contact the Revisor of Statutes office ASAP. Thank you, Mr. President.

**von GILLERN:** Thank you, Senator Aguilar. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, an announcement, Reference will meet in-- upon recess in Room 212 [SIC] for purposes of referring bills. Finally, priority motion. Senator Albrecht would move to recess until 1:30 p.m.

**von GILLERN:** Members, you've heard the, the motion to recess until 1:30. All those in favor say aye. Any opposed? We are adjourned till 1:30-- recessed till 1:30.

[RECESS]

**DeKAY:** [RECORDER MALFUNCTION] Mr. Clerk, please record.

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

**DeKAY:** Thank you, Mr. Clerk. Do you have any items for the record?

**ASSISTANT CLERK:** Mr. President, I do. I have a Reference report referring LB1196 through LB1301 plus 3 constitutional amendments. In addition to that, I have an amendment. Proposed Rules Change 4 from Senator Erdman. That's all I have at this time.

**DeKAY:** Thank you, Mr. Clerk. We will proceed to the first item of this afternoon's agenda. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, under consideration was Proposed Rules Change 19. When the body recessed for lunch, under consideration was an amendment from Senator Wishart. I understand she wants to withdraw that and instead offer a second amendment.

**DeKAY:** Senator Wishart, you're recognized to speak.

**WISHART:** Thank you, Mr. President. I-- colleagues, I am withdrawing the amendment that I originally drafted and replacing it just with a clarifying word. So I'll read it to you since we'll be getting a copy around. But it's, it's of the same spirit, just a confirmation that ex officio member means a nonvoting member. So to read this rule, it's Rule 8, Section 4, addressing standing committee chairperson as ex officio member. The chairperson of a standing committee, or a designee of the standing committee chairperson may ser-- may serve as an ex officio member-- that's a nonvoting member-- of the Appropriations Committee during hearings for review of state agency, board, and commission budget requests when those agency boards or commissions are reasonably encompassing in the standing committee's subject matter jurisdiction. And one other clarification I want to make is the word "may" serve as an ex officio member, that's nonvoting means that the chair of-- it is at the discretion of the Chair of the Appropriations Committee to invite that Chair or the appointed person to join in the Appropriations Committee hearing. So I wanted to clarify that. Colleagues, again this morning in the discussion that we had, it became clear to me that there is an opportunity to remove what I am sensing is a silo that goes on in terms of the appropriations process and some of the subject matter expertise in committees. And I do understand that this could-- that, that this may already be an opportunity to exist without a rules change. But I want to be clear with all of you that sometimes with rules, it's not about setting limitations or telling ourselves what to do. It's also about explaining what we can do. And so putting this into our rules gives future legislators a better understanding of an opportunity for more collaboration within committees, and in particular in this case with the Appropriations Committee and other subject matter expertise. I

think there are benefits for this rule change for both the Appropriations Committee and for the subject matter expertise committee. For the Appropriations Committee, it is important for us to be able to have individuals who are sitting in and able to ask agencies the questions that we may not think to ask. You know, our main focus is on balance-- passing our constitutionally obligated balanced budget every year. And it is important that we are closely collaborating with subject matter expertise on how that budget is going to align with the policies that we're looking to achieve that session as well. So I see this as a learning opportunity for the Appropriations Committee to kind of eliminate one of those silos that exists. And then I also see this as an opportunity and a learning experience for the subject matter expertise as well. Often-- we are a committee that that oftentimes we joke is, you know, we're all in this sort of room. It's a five-day experience. This is our only focus. And sometimes there you don't get that line of sight to what we do and the detail and attention we spend and the questions and conversations we have with agencies every single day as we're crafting our budget. So I see this as an opportunity, an educational opportunity for other senators, and in particular chairs and leaders of committees, to sit in and witness what we are doing every day, in particular around the area that they are focused on leading. So, colleagues, I know there isn't a lot of time for you to review this. But I encourage you to consider voting for this amendment to the rules, and I would be happy to answer any questions off the mic, if you have any, or on the mic if you have any. Thank you.

**DeKAY:** Thank you, Senator Wishart. Senators, Senator Dorn has a guest under the north balcony, Emily Haxby from Clatonia. Will you stand and welcome her? Thank you. Senator McKinney, you are recognized next to speak.

**McKINNEY:** Thank you. Thank you, Mr. President. I rise. I don't know if I support it yet. And the reason why is because it reads: The chairperson of a standing committee, or a designee of the standing committee chairperson may serve as an ex officio. I personally believe it should be "shall" because it shouldn't be at the discretion of the chairperson of the Appropriations Committee to invite. It should be "shall." If, if we're going to pass this, it should be required for multiple reasons. Number one, we might not have the same appropriation, well, we won't forever have the same Appropriations Chair. And, you know, you get somebody that doesn't want to invite somebody, they don't have to. So it should be "shall." Also, I'm curious of what "reasonably" means in this context of saying



commissions are reasonably encompassed in the jurisdiction. Like, who makes the determining factor of what "reasonably" means? If, if a budget request touches the prisons in this example, then the Chair of the Judiciary Committee should be there. It shouldn't be-- we shouldn't have to do word, word gymnastics to try to figure out should they be there or shouldn't they be there. I believe "may" should be changed to "shall" and we just should say "if the budget request touches the jurisdiction of the committee." Then I would be more supportive of this amendment change. It's nothing against Senator Wishart. I thank her for bringing the amendment. I just think this needs a little more teeth. We need to make sure that no matter what, if the Department of "Punitive" Services requested something for their budget or to build a prison that the Judiciary Chair is there; and it's not up to the committee Chair of the Appropriations Committee to invite them. It should be automatic. It shouldn't be left up to the discretion of the Chair. So if we change "may" to "shall" and just say "if the budget request touches the jurisdiction of the committee," I think it's a better amendment. I don't think we should have "may" or "reasonably" because who is defining what is reasonable and what is not reasonable? And it was just interesting earlier how nobody voted for my amendment. I really wasn't surprised. Honestly, I wasn't. But it just proves something that, you know, when we say we care about property tax relief, when we say we care about, you know, the taxpayers and how we're spending dollars, when it comes to Corrections, well, it's not Corrections. It's "punitive services," when it comes to them, nobody cares. They get a blank check. It's just a black hole to spend money, to not do anything positive, but to incarcerate people and not help them out. And then they come back again, the Department of "Punitive" Services come back to build another prison, because we spent millions of dollars not doing something to improve people. That's what we're doing. So, you know, when you say you care about taxpayer dollars and property tax relief, please say with the exception of money going to Corrections, no, "Punitive Services." So that's all I have. I'm open to the discussion here, but I think that "may" should be "shall."

**DeKAY:** One minute.

**McKINNEY:** And we should just strike out "reasonably encompass" and just say "in the standing committee's subject matter jurisdiction." Who is defining what is reasonable? Thank you.

**DeKAY:** Thank you, Senator. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much. I stand in support of this for a couple of reasons. One, I think it's important that we are trying to react to the conversation that we had previously and figure out some way of a pathway forward. So one way, this is why I think I support this more is because this isn't just confined to one agency. This would allow for a chairperson of a standing committee, or designee, to serve as that ex officio nonvoting member for a review of state agency, board, or commission budget requests which would be more expensive because I think that there's times where, let's say, for example, we're dealing with more funding for Foster Care Review office then HHS would be able to have an individual or the Chair of HHS actually be in committee and be asking questions on regards to some things that they would have some subject matter expertise and information on, and it wouldn't be only confined to one agency. And there are many different things, I think for like example, like the Pardons Board. Like this would allow the Chair of Judiciary or a designee to also be part of a conversation. We're dealing with the budget related to who's coming and testifying for each of these different committees or agencies or, or different standing committees. And so I think it's really important that, that this is actually a little bit broader in that regard. I support it, I think both with the "may" and the "shall," the "may" being that it, it allows the chairperson of the standing committee to be able to make that designee. But I think that this is a reasonable step in the right direction, even if it's "may" or "shall" because it is expanding and it's not just focused on one specific item, but instead of creating a practice that can be applied across all different circumstances so that there is line of sight with the subject matter committee Chairs or their designee, along with the Appropriations Committee. Thank you.

**DeKAY:** Thank you, Senator. Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. Good afternoon. So I listen to the discussion on this issue, and this is Senator Wishart's second try at this. Just so you know, this morning Senator Brewer withdrew a bill because that bill was exactly the same as the current statute reads. So if Senator Brewer's bill was to give hunting privileges to veterans that are 50% disabled, and that's what the current statute reads, so he withdrew that. This amendment does exactly what we're already allowed to do now. So the committee Chairman can invite people to be part of that committee's hearing. It's at their discretion. So why do we need to change the rule and write it down when it's already something we can do? I have a suggestion. Why don't we do this? So you

make sure that every chairman of every rule, Chairperson of every Rules Committee understands, or the standing committees understand they have the authority to do this, why don't we have a little training session when we start with new committee chairmen and explain to them, you have this opportunity, this is in the rules, and you can do this? That seems to make a lot more sense than changing a rule. So maybe you've concluded from my comments how I'm going to vote on this. Thank you.

**DeKAY:** Thank you, Senator. Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of Senator Wishart's amendment to this proposed rule. I generally agree with Senator McKinney's comments that should be "shall" as opposed to "may." But I think a step in the right direction is always an improvement. And I appreciate Senator Wishart's work on this. And I would go back to kind of my comments from the origin-- the first day of rules conversations and debate as that it's good that we're having these conversations and kind of teasing things out and kind of-- and getting an understanding of what the implications of some of these things are, what problems we see, and then working in an iterative process to get to a better spot. And this proposal from Senator Wishart, which I think is a good idea, came about because of Senator McKinney's comments and then Senator McKinney's proposal that we had a vote on and the conversation that arise-- arose out of that, and then the trying to find a workable solution that would at least help or in some respects address what Senator McKinney was talking about. It obviously doesn't go far enough, but it does create a opportunity to get that subject matter expertise when the committee, the Appropriations Committee is discussing certain areas. And it gives the opportunity for the committees, the subject matter committees, to see into the appropriations process, to ask questions of folks who might not otherwise show up, and to report back to the rest of us who are on the outside. Because to a lot of us, you know, the appropriations process is very opaque. And when the budget gets reported out, that's the first time we're hearing about a lot of things. Things come up on the floor and people are surprised that something's in the budget, or people are surprised that something's not in the budget. And then, you know, that doesn't exactly go over well when other people feel like they've been frozen out of a process. And I think this provides an opportunity for a little transparency in the process and allows to have somebody then the subject matter committee, either chair or their designee, would be able to go and observe and have those conversations

and know something about where the Appropriations Committee is at and be able to report back to their committee and others about what's going on there. So I think it, it does serve a two-way function that really would strengthen the process. I like the, the change to clarify the ex officio nonvoting member. I appreciate that. I think that's really important that we be specific about-- so that if we do have somebody else sitting on Appropriations they're not going to be able to vote on that section of the budget. They're just there to ask questions and observe. And so I appreciate that clarification. And I just-- I, I understand some of the folks whose hesitance is to adopt a change like this. But I do think that it would be a positive to the budgetary process and to the drafting of legislation process, because the information that committee members from, say, Judiciary could derive from sitting in on that budget for the Department of Corrections, they bring back to all the other conversations in the Judiciary Committee. They bring the information from Judiciary to Appropriations, but they bring back the Appropriations conversation and context and information to Judiciary as Judiciary is considering those bills. So it would be overall a net positive to both how we appropriate and how we legislate on these comp-- complicated issues. So I support Senator Wishart's proposal. Thank you, Mr. President.

**DeKAY:** Thank you, Senator. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. I do also rise in support of Senator Wishart's amendment here. I don't think we have to belabor all the points of why this is beneficial. I've spoken about that before. I would just, I guess, respectfully disagree with Senator Erdman's characterization of this modification being a duplicate of what currently is in place. I think what he was saying, if I'm interpreting it right and I don't want to put words in Senator Erdman's mouth, is that currently the committee may allow whomever they want to come in and sit if they want to. What I believe this rule does is enshrine the right of the chairperson for another standing committee to come in and sit in, in that Appropriations Committee as an ex officio, nonvoting member, if it's of their subject matter. So rather than it being a permissive thing that the Appropriations Committee may allow if they want it, this would allow the chairperson of another standing committee the opportunity to do that if they so choose, regardless of whether or not the Appropriations Committee says yay or nay. And so I think what this does, is it more or less supports the rights of the chairs of other committees to then sit in on the Appropriations Committee hearing, if it's within their wheelhouse. And so I don't believe, based on my reading of this rule and what our current

practice is, that it's duplicative. I think that it does go beyond what is current practice with regard to what's enshrined in the rules. And I do support it for that reason. I think that ensuring that, for example, the Chairperson of Judiciary would have the opportunity to come in and sit in the Appropriations hearings with regards to capital construction or other budgetary requests for DCS I think is vital just to ensure they have the opportunity to ask questions. I know that sometimes in the Appropriations Committee there are some questions asked with regard to policy, underlying policy instead of just budgetary questions. But I think that ensuring a chairperson from the underlying committee, the subject matter committee, is there, it would permit that opportunity to inquire deeper with regard to policy and perspectives, as opposed to just keeping it more of that budgetary conversation. In addition to that, the chairperson would then have the opportunity to perhaps gather questions from their committee prior to coming in and having the conversation with the Appropriations Committee at the hearing. And it would also allow them to then turn around and share with their own committee the information that was heard at that committee hearing for Appropriations. So, yeah, I would agree with what Senator Vargas and Senator John Cavanaugh said. I think it's a step in the right direction. Certainly I think we could go a little bit further with regards to having that sort of joint hearing as we discussed previously. I think that Senator McKinney talked about that making a lot of sense. But I, I really appreciate Senator Wishart's willingness here to, I think, drill down to what the underlying concern is and try to find ways to address those concerns within the structure of what we currently have without upending the entire system, but still making sure that the concerns of chairpersons from various subject matter committees may be heard. So I do support this amendment. I think this is a friendly amendment obviously that's just trying to get to the heart of what the rule is actually addressing. And I look forward to hearing my colleagues further discuss the necessity of having subject matter experience and experts weigh in on these hearings. Thank you, Mr. President.

**DeKAY:** Thank you, Senator. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. You know, I sit here and I wonder why are we so hesitant to hold people accountable who are in charge of the lives of other individuals? Why are we so afraid to ask questions because we don't want to offend people that maybe come before a committee for just asking simple questions? What did you do with the money? How did it work? What were the outcomes? What were the pros and

what were the cons? How can it be improved? What are you doing now? What is wrong with asking those questions? The only people that would be offended are the people who are not doing their job and trying to hide. And that is a fact. If you're doing your job, you should be willing to answer those questions. What are you doing with the money that we set-- that we set aside for this? How did it work? Did you have positive outcomes? Did you have negative outcomes? What is wrong with that? This is why the chairperson of a standing committee, or his or her designee, should be sitting there and should be there. I would love for the full committee to sit there in a joint hearing. That would probably be more ideal, but considering the other vote, I don't think this body has the will to do that. But I do believe this "may" should be "shall." We talk about the institution. We talk about things changing, making sure things are right going forward. Leaving "may" here allows for the possibility of us or this body ignoring more rules in the future. Because as we learned earlier, we are definitely ignoring some rules in the Rulebook. So this should be "shall." It should be automatic. That is a simple change to just change "may" to "shall." And also just strike this "reasonably encompass" and just say "in the standing committee's jurisdiction." I know it's probably an uphill battle to get those changes, because there's not a lot of willingness to make this change or any change to hold agencies accountable for failing to utilize taxpayer dollars in the best way and to continue to come down here and ask for money to do nothing but house people. They're not improving lives. They're just being punitive. We currently have a problem where there isn't any oversight in any of these institutions. It's just the Department of "Punitive" Services just telling us what's happening unless we go in and see it for ourselves. The Ombudsman can't get in there. The OIG isn't allowed in there. Who's watching them? Who's asking the tough questions? This is why this rule change is needed. But we have to make sure it is an automatic situation. Any time they ask for money, the chair of the Judiciary Committee or his or hers designee should be allowed at those hearings. It shouldn't be up to the Appropriations Chair. I'm firmly against that. You're not going to change my mind. I might even vote for this amendment if it go up for a vote, because that "may" should be "shall." And "reasonably encompassed"--

**DeKAY:** One minute.

**McKINNEY:** --should be striked as well. We got to stop trying to be PC around here. We're dealing with real lives and real situations. We got-- we signed up for this to make tough decisions and do things for the best interests of the state and our constituents. It's not to be

PC to the people in the Governor's mansion or people down, down these hallways or these people in these agencies. Let's step up and do the right thing. I'm tired of trying to be PC around here. Thank you.

**DeKAY:** Thank you, Senator. Senator Clements, you are recognized to speak.

**CLEMENTS:** Thank you, Mr. President. Rise in opposition of the amendment. Appreciate Senator Wishart's attempt to provide some clarification, but the wording isn't really necessary in my opinion. The rules that we have already allow this. It is something that's new that hasn't been used in my experience. But I earlier stated that if a Chair of another committee is interested in coming into a hearing that's in their subject matter, I'm willing to discuss that. And I like Senator Erdman's suggestion that committee chair, standing committee chair training be done so, so that the committee chairman know that they have a possibility of requesting to sit in on a hearing that's in their jurisdiction. We do have standing committee meetings about monthly. The Speaker has been already leading those and is going to continue that. And it would be fine with me if he would make it known that this is a possibility. There is one shortcoming with this. In a short session, we only review agencies that have a budget change request. And so if Senator Wayne wanted to come in on a Corrections hearing, there may not be one this session. You know, long session there would be. So it's not going to be available all the time. Excuse me. And so I think that the rules, I'm satisfied with the current rule the way it is and that it already allows for this situation. And I am not in support of this amendment. Thank you, Mr. President.

**DeKAY:** Thank you, Senator. Seeing no other names in the queue, Senator Wishart, you are recognized to close.

**WISHART:** Thank you. Well, I think this has been a good discussion and, and debate and appreciate the different views that my colleagues have. A couple of follow-up points to this. One is that, again, just because there is currently a tradition of having the opportunity to do something, in this case for the Appropriations Chair to invite another standing committee Chair into a hearing, doesn't mean that that isn't something that we should then enshrine and codify in our rules to be able to educate then future senators on the opportunity and tool they have available there. In fact, the last couple of days, some of the discussions and rules that we voted on have been rules in which the argument was that this has been the tradition of how we have been operating, and now we want to put this in our rules to enshrine that

tradition of how we're operating in our rules. And so I see this as a similar opportunity. Secondly, I do think that it is-- it is important for us as a body to remove as many silos as possible. In my experience in life, working in this Legislature and outside of the Legislature, where you see issues happen is when people are siloed, when people are not talking to each other, when they're not experiencing what the other person is experiencing. And I think this is one small opportunity for us to take what can currently exist, put codified into our rules, and incentivize individuals and committees collaborating with each other. So again, colleagues, I encourage you to consider voting for this rule change. And thank you for a good discussion today.

**DeKAY:** Thank you, Senator. The question before us is the vote on amendments to the permanent rules proposed by Rule Change 19 brought by Senator Wishart. All in favor vote aye; opposed vote nay. Have all those voted that wish to? Please record.

**ASSISTANT CLERK:** 10 ayes, 23 nays on the adoption of the amendment to the proposed rules change.

**DeKAY:** The amendment is not adopted. Returning to debate on the proposed rule change, Senator Arch. Senator Arch, you're recognized to close.

**ARCH:** Thank you, Mr. President. So we are-- we will now be voting on Rule Change 19 as drafted and as presented. And just a reminder that this clarifies what the appropriations bills are and then adds two bills that will-- that will follow them on the floor, but not change any referencing to that. And I would appreciate a yes vote on this amendment. Thank you.

**DeKAY:** Thank you. Seeing no one in the queue, we will be voting on the amendment to the permanent rules change proposed by Senator Arch. All those in favor vote aye; all opposed vote nay. All those who voted who want to? Mr. Clerk, please record.

**ASSISTANT CLERK:** 35 ayes, 1 nay on the adoption of the proposed rules change.

**DeKAY:** The vote carried. Sen-- Mr. Clerk, you have items for discussion.

**ASSISTANT CLERK:** Thank you, Mr. President. I do. I have a notice of committee hearing from the Revenue Committee, the Urban Affairs



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Committee, the Health and Human Services Committee, Judiciary Committee, and the Natural Resources Committee. In addition to that, I have a motion by Senator Wayne to re-refer LB999 from the Agriculture Committee to the Judiciary Committee pursuant to Rule 6, Section 2(a). That will be laid over. That's all I have at this time.

**DeKAY:** Next item, Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, the next proposed rules change offered by Senator Arch is Proposed Change 24.

**DeKAY:** Speaker Arch, you're recognized to open.

**ARCH:** Thank you, Mr. President. This is Proposed Rule Change 24. And this concerns the consent calendar. So this will increase the threshold for the removal of a consent bill to 5 members from 3. I originally proposed 7, but in the discussion within the Rules Committee, it was-- it was their request to change this to 5. And that's-- that was fine with me. It also requires the request to be filed prior to the reading of the bill to the Legislature on each stage of debate so it can't be done immediately prior to the expiration of the 15 minutes. So just to take a step back here and talk about consent bills, because the purpose of the consent calendar is to move noncontroversial, no opposition, those types of bills that are, are truly consensus-- consent-- consensus bills. And so-- and so to make this more difficult probably isn't appropriate. We need to move those bills. So there's still an opportunity to remove something from the consent calendar. But it is-- it is 5 members rather than 3. And you need to do it before the beginning of the-- of the debate on that consent bill. So and I-- and I'm going to use this term carefully, but so that you don't-- you just don't bomb the introducer. And, and suddenly at minute 14, you're trying to pull this off the consent calendar. So if you really have a legitimate issue with that consent bill, then, then, get the 5 signatures, say it up front before so that it can be removed from the calendar, we don't spend 15 minutes talking about it unnecessarily, and then the work can be done on that. So it does require a significant minority of senators to agree, which is 5. It increases the likelihood that a consent calendar could be utilized and not used inappropriately. And bills on consent calendar, as I said, are often-- are all noncontroversial and are often needed for simple cleanup language. So I, I would ask you for a yes vote on this change. Thank you, Mr. President.

**DeKAY:** Thank you, Speaker Arch. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Colleagues, I just wanted to give a little shout-out about what the consent calendar is to folks who may be watching on the television and also to some of our newer members, because, of course, we didn't have a consent calendar last year. So if you don't know, the consent calendar is a way to get-- and I think the Speaker touched on this, but it's a way to get those noncontroversial, good government kind of bills through the process without sort of gumming up the system, taking less time. In order to get a bill on consent calendar, you apply to the Speaker, and the Speaker can accept or reject your request. Typically there are some requirements. One, in the time that I've been here, you're not allowed to have a fiscal note on it, or it must be a very, very small fiscal note. And we're talking like \$1,000, \$2,000, \$3000 type of very small fiscal note. So a consent calendar bill would need to have no or very little fiscal impact. Then it needs to come out of committee clean, which means that there can be no dissenting votes. You can have a, a nonvoting member, but you cannot have a no vote out of committee. There needs to not be opposition to the bill in the bill's hearing. Although if there is opposition to the bill in the bill's hearing but it gets worked out. So you speak to the opposing parties or the example was given to me in the past that somebody came and objected because the bill didn't go far enough. So those kinds of opposition testimony won't kill the ability for the bill to get on to consent calendar. But generally speaking, the objection to the bill has to be worked out. Once all of those conditions are met, if the Speaker approves you, you get on consent calendar. The difference between consent calendar and our regular process isn't really that different. You still go through three rounds of debate. The only difference is how long the debate may last. So instead of having the regular eight hours of debate on a bill on General File, a consent calendar bill is allotted 15 minutes. Or I think-- I'm not entirely sure actually, if the, the Speaker gets to decide how long the debate goes; but it's a much, much shorter amount of time. And the idea is that these are already pretty much consensus items that we can all pretty much agree to, a lot of cleanup things. This might be those problems where there's a comma, like Senator Cavanaugh was talking about yesterday with E&R or something like that, which has inadvertently happened. I've had a couple of these bills. Last year, I had a bill that literally said, when we say small cell, we mean small cell in legislation. So just clarifying things, these things that are really very uncontroversial, that's a consent

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calendar. And it's interesting as we talk about the number of bills that people bring, because consent calendar bills don't take up that much time. They don't take that much time in hearings. They don't take that much time on the floor. And they're something that we can do to, to clean things up. It's, it's meant to be a much shorter process for things that it's going to be hard to find anybody to disagree with. That's why there is the provision that if somehow the committee and the Speaker and everybody gets it wrong, and there is some controversial aspect of the bill that no one thought of, then 5 senators, after this rule change, could write a letter and say, we'd like to have this taken off of consent calendar.

**DeKAY:** One minute.

**DeBOER:** So it was 3 in the past. We've seen instances where at the very last moment, 3 people got together and said, please take this off of consent calendar. I think we're just trying to avoid that and make sure that, you know, it has to be-- you have to be able to have some friends that agree with you and not just, as the Speaker said, bomb someone's bill for no reason. So that's how consent calendar works. If we'd had one last year, that's how it would have worked. It's a way to move a whole lot of legislation very, very quickly. Sometimes we do ten bills in an hour because they're again, these very small cleanup sort of bills. Thank you, Mr. President.

**DeKAY:** Thank you. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, actually I'm sorry I didn't give a heads-up. But would Speaker Arch yield to a question?

**DeKAY:** Speaker Arch, would you yield to a question?

**ARCH:** Yes, I will.

**M. CAVANAUGH:** I'm sorry. Apologies for not giving you a heads-up.

**ARCH:** That's all right.

**M. CAVANAUGH:** Hopefully it'll be painless. So you moving this from 3 to 5 and the, the amount of debate you did strike through the 15 minutes. So does that leave flexibility or I guess can you speak to that?

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**ARCH:** Yes. That 15-minute applies to only pulling the bill off. So, so--

**M. CAVANAUGH:** OK.

**ARCH:** It-- that-- it reads prior to the expiration of 15 minutes of debate [INAUDIBLE].

**M. CAVANAUGH:** I see.

**ARCH:** So if it had been 30 minutes, it would have been but prior to 15 minutes.

**M. CAVANAUGH:** OK.

**ARCH:** Yes.

**M. CAVANAUGH:** So, so it's just now you're-- I see. So now it's prior to the reading of the bill at each stage of debate. So I was someone who had a bill pulled on, on consent calendar my freshman year. And it was only 3 people, and it was at 10:00 at night on Final Reading. I remember it very clearly. So I appreciate this, and I appreciate going down from 7, because I did feel like 7 was a, a kind of a high number. But I guess my question to you is, would you consider not allowing it to be pulled on Final? If it's gone through the first two rounds, I guess my question is then it's not really consent if you're pulling it on Final and I get that's the whole point of having this in here. But this kind of allows people to, I don't know.

**ARCH:** So, so I think-- I think it goes back to the stages of debate. Why do we have three stages of debate?

**M. CAVANAUGH:** Sure.

**ARCH:** And I think that that-- there could be new information that could pop up between Select and Final.

**M. CAVANAUGH:** OK.

**ARCH:** So I would--

**M. CAVANAUGH:** That's fair.

**ARCH:** --I would say we should pre-- we should preserve that. If I could also point out it was-- it was brought to my attention Section 6(d) it references the 15 minutes. So this was the 15 minutes to pull.

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But Section 6(d) A bill on consent calendar shall be allotted 15 minutes for introduction and debate. So--

**M. CAVANAUGH:** So that brings another question to mind.

**ARCH:** Sure.

**M. CAVANAUGH:** Would you consider changing Section 6(d) to be 25 minutes? If we're changing the numbers from 3 to 5, should we not allow for those who would have the opportunity to pull it? Maybe, maybe that doesn't make sense. I'm just putting it out there.

**ARCH:** Well, I think that that's probably a more complicated question and probably should go to the Rules Committee--

**M. CAVANAUGH:** Yeah.

**ARCH:** --for, for a broader discussion on that.

**M. CAVANAUGH:** OK. Well, I appreciate it. Thank you. Sorry for putting you and Laurie on the spot. Thank you, Laurie. I yield the remainder of my time.

**DeKAY:** Thank you, Senator. See-- the cookies being distributed now are in honor of Senator Machaela Cavanaugh and Senator McDonnell's birthdays. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. You know, I was thinking about the word "shall" and the other word versus "may." And it got me thinking about tomorrow we have the Governor coming in and talking. And I want to read a section out of Article IV, Section 7, which says the message from the Governor: The governor may, at the commencement of each session and at the close of his term of office, and when-- whenever the Legislature may require, give by message to the Legislature information of, of the condition of the state, and shall recommend such measures as he shall deem expedient. Key word there is "may." We don't have to let him come in and talk tomorrow. And in fact, a statute outlines that he has to do it I think within the first 20 days. I'll get the statute number here in a little bit so you guys can have a full, clear picture. But just so everybody knows, that is a motion for the body that we could vote down. We could actually debate it. If you'll recall, three years ago I started a debate during the motion to bring then-Governor Ricketts in, and it was only about 5, 10 minutes. And then we let it go. But that is a debatable motion that I think we should spend a lot of time tomorrow talking about. I think we

should spend a lot of time talking about whether we should allow the Governor to come in and talk, and there's no other time to talk about it until that motion's made. It could be one person talking once. It could be amendments. I think we usually do an escort committee of 5. So I can take 5 people and rearrange those. I'm looking at about 111 amendments that I get 10 minutes to talk on every time. Even if Senator Erdman pushes his button and calls the question, I go to the next amendment. That's what "may" versus "shall" is. Constitution says "may." Hmm. But once he comes, he shall-- or she comes, she shall give recommendations, such measures as he shall deem expedient. And at a time fixed by law, he shall present. So he shall do something if we present it by law. And it doesn't have to be necessarily tomorrow. And doesn't necessarily have to be at 10. And I can replace each person on that committee of 4 with another person on an amendment. We could be here all day before the announcement of the State of the Union [SIC] is even done. Hmm. Senator McKinney has talked about the prison and the, the rules and the-- I think tomorrow I'm going to talk about the disrespect to the committee that I represent and how this community has no input in what's going on. And maybe I'll spend 4 or 5 hours on that as the governor listens in the hallway. Maybe, I don't know yet, might cut property taxes. I might open up a whole thing tomorrow about the EPIC tax and why I support it. Then me and Erdman will have-- Erdman and I will have a fun time talking. I might talk about the proposed taxes that I saw introduced today.

**DeKAY:** One minute.

**WAYNE:** And it is a good thing to see Senator DeKay in the box up there. Many years I used to sit up in that box, and that was the only time I paid attention to what was going on, on the floor. Most of the time I never paid attention. It's a long way back there. The worst part about it is I can say whatever I want, and there's nothing you can say in return. One year, Senator Hansen was up there for his first time, and I did a motion to overrule the Chair. It was-- it was really funny. I pulled the motion, but Senator Hansen was a little nervous. So thank you for your time, Mr. President.

**DeKAY:** Thank you, Senator. Seeing no other names in the queue, Speaker Arch, you're recognized to close.

**ARCH:** Thank you, Mr. President. So we are now on Rule Change 24, which affects the consent calendar. The only thing I would add is something that Senator Machaela Cavanaugh brought up, just to be reinforced. There are three stages of debate, every bill, consent calendar being

no different. And, and so if at some point this-- this rule change is not intended to make it more difficult, but rather just to put some guardrails on it so that it's going to be 5 people that need to sign on and it needs to be done before the debate. So I would ask for your yes vote on Proposed Rule Change 24. Thank you.

**DeKAY:** Thank you, Speaker Arch. The question before the body is to vote on the amendments to the permanent rules, Proposed Rule Change 24, Rule 5, Section 6. All in favor say aye; all oppose-- all in favor vote aye; all opposed vote nay. Has everyone voted that wish to? Mr. Clerk, please record.

**ASSISTANT CLERK:** 35 ayes, 2 nays on the adoption, Mr. President.

**DeKAY:** The amendment is adopted. Mr. Clerk, new bills, please.

**ASSISTANT CLERK:** Thank you, Mr. President. LB1383 offered by Senator Raybould. It's a bill for an act relating to the Indian tribes; to create the Nebraska Tribal Assistance Program for the purpose of providing grants to Indian tribes to improve drinking water systems or sanitary sewer systems as prescribed; to create the Nebraska Tribal Community Assistance Fund; transfer funds from the Intern Nebraska Cash Fund; harmonize provisions; and repeal the original sections. LB1384 by Senator Raybould. It's a bill for an act relating to economic development; to create the Transforming Cities and Villages Program; provide for grants as prescribed; change provision of the Affordable Housing Trust Fund; change provisions of and transfer money from the Intern Nebraska Cash Fund; to eliminate obsolete provisions; repeal the original sections; declare an emergency. LB1385 by Senator Kauth at the request of the Governor. It's a bill for an act relating to teachers; to change provisions relating to the issuance of and eligibility for certificates and permits; harmonize provisions; repeal the original sections. LB1386 by Senator Ben Hansen. It's a bill for an act relating to students; to require the State Treasurer to establish an educational savings account for each student enrolled in kindergarten through 12th grade at an approved or accredited private, denominational, parochial school for use on qualified educational expenses as prescribed; to create a fund; provide powers and duties; provide a penalty for fraud or theft associated with an educational savings account. LB1387 by Senator Ben Hansen. It's a bill for an act relating to public health and welfare; change provisions relating to fluoridation of water provided by certain, certain political subdivisions and other entities; to harmonize provisions; repeal the original sections. LB1388 by Senator Bostar. It's a bill for an act

relating to postsecondary education; to adopt the Excellence in Education Scholarship Act and Nebraska College Promise Act; provide for transfers from the Cash Reserve Fund; repeal the original sections; declare an emergency. LB1389 by Senator Bostar. It's a bill for an act relating to revenue and taxation; amend Section 77-202; provide a property tax exemption for broadband equipment as prescribed; and repeal the original section. LB1390 by Senator Bostar. It's a bill for an act relating to elections; to require reports; prohibit and change provision relating to the interference of certain election officers and workers; prohibit dissemination of home address of certain election officers and workers; to prohibit deep fakes; provide and change penalties; to harmonize provisions; repeal the original sections; and declare an emergency. LB1391 by Senator Ballard. It's a bill for an act relating to schools; to require that each approved or accredited public, private, denominational, or parochial high school have an automatic-- automated external defibrillator on school property in close proximity to each high school athletic venue; to require that coaches receive training in automated external defibrillators; to require certain high schools to establish athletic emergency action plans; provide powers and duties to the State Board of Education. LB1392 by Senator Ballard. It's a bill for an act relating to child welfare; change the name and members of the Foster Care Reimbursement Rate Committee; change powers and duties; to eliminate obsolete provisions; harmonize provisions; repeal the original section. LB1393 by Senator Ben Hansen at the request of the Governor. A bill for an act relating to Nebraska Student-Athlete Name, Image, or Likeness Rights Act; change provision relating to name, image, or likeness rights and limitations, civil actions, contracts or agreements under the act; provide severability; repeal the original sections; declare an emergency. That's all I have at this time.

**DeKAY:** Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, the next rules change is Proposed Rules Change 13, offered by Senator Arch.

**DeKAY:** Speaker Arch, you're recognized to open.

**ARCH:** Thank you, Mr. President. We are now on Proposed Rule Change 13. And this, this has apparently been an error in our Rule Book for some time. It is-- it is a reference to Section 3 in that first sentence rather than Section 4. And let me explain here. The rev-- the Revisor's Office does not engross interim studies, and that is what is



referenced in Section 3, because they are not formally adopted or passed by the Legislature. So the reference 3 here is inappropriate. However, it does engross resolutions in Section 2 and amended resolutions in Section 4. So what this does, it removes the reference to Section 3, replaces it with a reference to Section 4. And the inclusion of Section 3 is a technical error in our-- in our current rules. So I would encourage you to vote yes on this rule change. Thank you.

**DeKAY:** Thank you, Speaker Arch. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. I just wanted to point out for my colleagues that this is exactly the kind of thing that E&R amendments fixes for us, but the rules do not go through the E&R amendment process. So therefore, they do not get fixed in the same way that our bills were. But if you had a bill and it looked like this rule did before we have the proposed rule change, then what would happen is E&R would say, oh, they've referenced the wrong section. And in fact that happens somewhat frequently. And then what they do is they just do exactly what we're doing in this proposed rule change to fix it for us. So these are the kinds of [INAUDIBLE]. Now, could they get it wrong? Could they have put 5 instead of 4 and then we get to the wrong place? Absolutely they could have. And that is why Senator John Cavanaugh was insistent that there has to be some way to fix it. But that would be something that we would have to deal with in the actual debate on the bill. But I just wanted to point out to my colleagues that because this does not go through E&R we did not have the benefit of their expertise, and therefore we end up with a rule on the books that's kind of got some errors in it. And so I just wanted to say one more time, thanks to the Bill Drafters who are up there, and they really put in a lot of hard work in the last couple of weeks. There are people that you see-- if you're watching from home-- there are people you see on the camera, and maybe there are some people that you see occasionally, like you might see the pages walk by or you might see the Clerks or someone in the Clerk's Office walk by. And then there are people that you don't get to see. And those people really keep this place running and really help us to make the laws for Nebraska and to make Nebraska a well-governed state. And so, you know, Senator Machaela Cavanaugh pointed out that we have Laurie over there who is helping Speaker Arch through all of these proposed rules changes. We all have our own personal staff. Anyway, there are a lot of folks who help us because left to our own devices, I suspect there would be a lot more of these kinds of changes that were necessary. So

I just wanted to shout out to all of the folks who are behind the scenes, making all of this place work and making sure that we don't make as many of these kinds of mistakes. So thank you, Mr. President.

**DeKAY:** Thank you, Senator. Mr. Clerk, do you have an amendment?

**ASSISTANT CLERK:** Mr. President, I had an amendment from Senator Machaela Cavanaugh, but I have a note that she wishes to withdraw.

**DeKAY:** It is withdrawn. Returning to the queue, Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. It is good to see you up there. So I rise in support of this amendment, and I just wanted to sort of say something similar to what Senator DeBoer was saying. But I do-- I appreciate the diligence and the work that Speaker Arch put into the-- this rules process. And I-- while I said I disagree with generally changing the rules at this time, he did not only look at changes that were kind of addressing how some of the floor debate went last year, but also, you know, looked at holistically at the rules and said, oh, wait, here's a mistake that's in there. But another interesting point about this is this mistake that's in here is clearly as a result of some change in the past. It's probably an insertion into that Section 4 of the rules that pushed the Enrollment and Review amendment resolutions down. And was somebody put that in there and didn't think about how that affected other sections of the rules. And this kind of just goes along with what I've been saying a lot of time is let's all be thoughtful about this. Let's look and get our-- to use the benefit of 49 sets of eyes looking at everything critically and thinking through, say, wait, this actually-- I know this rule interacts with another section or it references another section. And, you know, Senator Wayne's got eagle eyes and he picked up on a change in one of the earlier amendments that kind of got missed. And it's through that kind of process where everybody engages and actually looks at it and thinks through these things before that saves us from a mistake like the one that was made at some point in the past that we don't know. And the result of that was not that we were not doing what we were supposed to, but we were doing what the intention of the rules were, but not the letter of the rules. So we were not following our own rules, but we were still engrossing the things that we needed to engross. So this is a good amendment, but it does also-- the reason-- the necessity for this amendment is the fact that at some point in the past, a previous Legislature moved in too much haste in making a change and didn't pay attention to what the consequences were. So I

would encourage everybody, again, to continue to look at all of these critically, make the small changes we need to make. The other thing I wanted to point out was I think on the consent calendar amendment, we did get through it in 15 minutes. So again, I appreciate Senator-- Speaker Arch's diligence on these rules and continue to work with everybody. He's been very working, very collaborative these last couple of days to try and get us all in a place where we are somewhat comfortable with how things are working. So I appreciate that, and I would encourage your green vote on this amendment. Thank you, Mr. President.

**DeKAY:** Thank you, Senator. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President and colleagues. I'm just taking up a little bit of time here because a fellow senator wanted to ask, ask me a whole bunch of questions about me. So I'm just going to tell you who I am, very short and so I don't have to repeat this over and over. It's really simple, and I hope people are listening. My name is Justin Thomas Wayne. I have three first names. But more importantly, I was born here in Omaha, Nebraska. My birth mother was ran out of Kansas, small town in Kansas, because she was in a relationship with a black person. Rather than abort me, my birth mother decided to come up here and live homeless in Omaha at the Salvation Army on 24th and Pratt. She gave birth to me and gave me up for adoption. I have a mother who is Caucasian and a father who is black. They are the two individuals who raised me. My mother's family is from a small town called Rolfe, Iowa. They were farmers, so the reason why I know a little bit about farming is because I used to walk the beans, detassel, and pick up rocks. And I don't mean riding machines in to detassel. I mean walk, walk and actually detassel and pick up the bean-- walk-- and walk the beans. My father was from Omaha, Nebraska, so it was a true urban; saw the riots of the '70s, watched the gentrification, watched a lot of things that happened in north Omaha, including a highway go in to destroy his community. Both of them worked two, if not three, jobs to watch me and my brother go to school and provide for me. During my time as an elected official, if you want to know who I am, I don't pull punches. I tell you exactly where I'm at and I keep it moving. I have fought the most white liberals when I was on the school board and the most conservative racists. If you know who I am in this body, I tell you how I feel and I'm not stuck on one side or the other. I'm stuck on what's best for my community. I represent the most diverse district in Omaha. I have two homeless shelters, and I have the legacy of Walter Scott and his son and other millionaires and billionaires in Ponca. I go as far as the county line and right down to where it's

considered north Omaha. And when something good happens, it's considered Florence. When something bad happens, it's north Omaha. That is my district. My district consists of one of the most-- best two country clubs called Omaha Country Club, where all the deals that were made in Omaha happened at that or Happy Hollow during my lifetime growing up. And there was a part of my lifetime, I couldn't even swim in that pool. At that swim meet, they would come down to Mountain View swimming pool because they didn't want us in their pool. I've seen it all. There's a lot that I still have to see. So when you ask me where I'm at and you ask me why I'm fighting for my community and why tomorrow the Governor may not speak till 4:00, it's because I've been fighting this fight for too long for individuals to decide they're going to upset the apple cart my last year. So if you want to know who I am, that is my background. There isn't a story in here that a person can't tell me that I can't relate to. I know about PTSD. I know about my best friend Derick Cleghorn, one of my good friends, getting killed my ninth grade year because he actually beat up somebody and they came back and shot him in the face. I remember at Northwest High School what that did to everybody there. I know what it's like wondering why a parent may have gave you up. I know what it's like to meet a parent and have those emotions. So there isn't an issue before this body that I can say I personally haven't dealt with. So when you ask me who I am--

**DeKAY:** One minute.

**WAYNE:** --or when you wonder why tomorrow I might step off the ledge because it's been over 44 years in the making where we have an opportunity to change the dynamics of a community that I've watched be abused by both sides. And now I'm watching it be abused again by this administration. So don't be surprised. Don't be mad. It really doesn't matter to me because at the end of the day, I'm gonna go home to my family. I'm gonna go back out here in these streets and say I did all that I could, even if that means not letting the Governor talk tomorrow. Thank you, Mr. President.

**DeKAY:** Thank you. Seeing no other names in the queue, Speaker Arch, you're recognized to close.

**ARCH:** Thank you, Mr. President. So this is Rule Change 13. It strikes the number 3 because that is inaccurate and puts in the number 4 because that is accurate. And so I would ask for your vote on the Rule Change 13. Thank you, Mr. President.

**DeKAY:** Thank you. The question before the body is the amendment to the permanent rules, Proposed Rule Change 13, Rule 4, Section 7. All in favor vote aye; all opposed vote nay. All voted who choose to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 33 ayes, 3 nays, Mr. President, on the adoption of the rules change.

**DeKAY:** The amendment carried. Mr. Clerk, more bills.

**ASSISTANT CLERK:** LB1394 offered by Senator Brewer at the request of the Governor. It's a bill for an act relating to revenue and taxation; to exempt Nebraska National Guard income from state income taxation as prescribed; and repeal the original sections. LB1395 by Senator Murman. It's a bill for an act relating to natural asset companies; to adopt the Natural Asset Company Prohibition Act. LB1396 by Senator Murman. It's a bill for an act relating to the Nebraska Pure Food Act; amends Section 81-2,283; change provisions related to labeling for misbranded food; and repeals the original sections. LB1397 by Senator Murman. It's a bill for an act relating to property taxes; amends Section 77-1359; to redefine agricultural land and horticultural land to exclude land used for certain purposes; and repeal the original section. LB1398 by Senator Murman. It's a bill for an act relating to schools; to change provisions relating to reimbursement for special education programs and support services relating to stud-- option students; and repeal the original sections. LB1399 by Senator Murman. It's a bill for an act relating to schools; change provisions relating to the involvement of parents, guardians, and educational decisionmakers in the education of children; define terms; harmonize provisions; repeal the original section. LB1400 by Senator Ballard at the request of the Governor. It's a bill for an act relating to revenue and taxation; to adopt the Relocation Incentive Act; to harmonize provisions; and repeal the original sections. That's all I have at this time.

**DeKAY:** Thank you, Mr. Clerk. Next agenda item is amendment to the permanent rules, Proposed Rule Change 15, Rule 5, Section 7. Speaker Arch, you're recognized to open.

**ARCH:** Thank you, Mr. President. This is Proposed Rule Change 15. It, it amends Rule 5, Section 7, the fiscal analyst. So what this rule change does is it changes the physical distribution. We reference-- we reference in this in the present rule, words such as "attached" where we, of course, at one time physically attached the fiscal note to the

bill. And we, of course, aren't doing that anymore. And if we have a rule that requires us to do certain things and we're not doing that, it's probably time to change the rule. So it matches our current practice and it changes it from this physical distribution of attached of fiscal notes to digital distribution. So the good news is with digital distribution you don't have to wait for the printed distribution to occur. And it ensures the availability of the fiscal note as quickly as it is completed. And so that is the change to Rule 15 or the Rule Change 15. And I would ask for a yes vote on this change. Thank you, Mr. President.

**DeKAY:** Thank you, Speaker Arch. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. I just wanted to continue with my discussion for the people who are watching at home and for our newer members about the fiscal note. Obviously, this is where we find out what the impact on the General Fund and also on cash funds will be because of the bills that we propose. It's quite frequent that you are surprised by a fiscal note, because what happens is they send away-- they-- I'll give you pronouns. When you introduce a bill, the fiscal analysts will ask for input from the affected agencies and from the various other parts of the government that might be affected, might be the judicial branch, the Court Administrator would then report in the fiscal note how the cash funds and General Funds and their funds will be affected. And you get this big long report that says how all of the things will be reflect-- will be affected. And you quickly turn to the very page where there's a number and you just see what the fiscal impact will be of your bill. And I say that it's sometimes surprising because sometimes you don't know that some small thing you're going to do is going to require somebody to hire 20 more employees or something like that. And so you get a huge fiscal note when you're doing what you think is a small thing. So from that point on, when you're given that fiscal note, then you try and amend it. But a piece that I think members in this body aren't necessarily aware of that are newer is that when you have an amendment, until it is adopted, you're not going to get a new, a revised fiscal note. So you have to-- you have to, you know, if the Fiscal Office was trying to react to all of our proposed amendments, it would take a really long time for them to be able to get to all of those. So unless you get your amendment adopted on the floor, then they're not going to do the fiscal note as far as that. So this is wonderful that we're going to do them electronically now. Obviously, you can still access them online as they have always been, but instead of requiring a paper copy. I think this is a great update,

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just needed to be done, one of those things. But I thought I'd take the chance to kind of talk about what a fiscal note is and make sure that those who are following along at home had an understanding. Thank you, Mr. President.

**DeKAY:** Thank you, Senator DeBoer. Seeing no other names in the queue, Speaker Arch, you're recognized to close.

**ARCH:** Thank you, Mr. President. So again, Rule Change 15, it takes it from the physical distribution of the fiscal notes to digital distribution. I would appreciate a yes vote on this rule change. Thank you, Mr. President.

**DeKAY:** Thank you, Speaker Arch. The question before it is amendment to the permanent rules, Proposed Rule Change 15, Rule 5, Section 7. All those in favor vote aye; all those opposed vote nay. Have all voted who wish to? Mr. Clerk, record.

**CLERK:** 36 ayes, 3 nays on the adoption of the proposed amendment to the permanent rules.

**DeKAY:** The amendment carried.

**ASSISTANT CLERK:** Mr. President, next item on the agenda. Proposed Rule Change 16 from Senator Arch concerning Rule 8, Section 5.

**DeKAY:** Speaker Arch, you are recognized to open.

**ARCH:** Thank you, Mr. President. We are now on to Rule Change 16. This will amend Rule 8, Section 5. And this was actually brought on behalf of the Legislative Fiscal Office. So this ensures that bills relating to the transfer of Cash Reserve Funds are held for Final Reading to inform the Legislature of the full fiscal impact, similar to all A bills with a negative General Fund impact. It doesn't change the referencing of any Cash Reserve Fund transfer bills, but does treat them like an A bill. And the transfer of any Cash Reserve Funds do have an impact on the budget, so should be held until the budget bills are passed. I, I, I'm hoping that Senator Clements can bring some clarity to this, but I'm going to try and, and, and explain a little bit more here. There is a main Cash Reserve Fund bill, and, and that is not what we're talking about here. That is part of the budget. This is not what that is. But we often can use the Cash Reserve Funds to fund something and those bills can go to different committees. So rather than having-- rather than having a General Fund A bill, it will have a-- it will have a funding mechanism intending to use the Cash

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Reserve Funds. We may have some transfers in and out of the Cash Reserve Fund itself and, and that would have an impact. And so we will-- we would under this rule, we would hold those until the end. And after, after the budget is understood and we understand where we are fiscally, like appropriation bills or the A bills, we would then move these bills at the very end. So with that, I'll stop. And, and I would ask for a yes vote on this. It was, as I mentioned, it was brought by the Legislative Fiscal Office. Thank you, Mr. President.

**DeKAY:** Thank you, Speaker Arch. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I stand in support of this rule change. As he said, the Legislative Fiscal Office was who brought this forward. And most Cash Reserve Fund budgeting does go in the Appropriations Committee. But there could be a situation where there's some kind of a new program that the committee of jurisdiction have heard about creating something new and spending maybe one-time money to build a building somewhere. And also there could be somebody transferring money out of the Cash Reserve for a program that they've wanting to fund on a one-time basis. And they-- we have minimum standards for the amount of money in the Cash Reserve. We'd like to keep 16 percent of our budget in the Cash Reserve. It's about a two-month reserve expense fund, emergency fund I guess you would call it, that we'd like to have make sure that we have at least two months' of expenses on hand. And if so something got passed that would reduce that, we would then have to be scrambling with, what are we going to do about that. And this just makes sure that we coordinate all the bills that would have Cash Reserve transfers, especially reductions, so that we can put those together at the end of the budget process and make sure that we keep an adequate reserve as our goal is. So I would support this, let's see, Rule Change 16. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Clements. Mr. Clerk.

**CLERK:** Mr., Mr. President, proposed amendment from Senator DeBoer to be distributed to members shortly.

**DeKAY:** Speaker Arch-- Senator DeBoer, you are recognized open on your amendment.

**DeBOER:** Thank you, Mr. President. So, colleagues, interestingly enough, this does very little to change the proposal that we're talking about here. But when I was looking at this proposal, I



discovered that this particular rule is written absolutely terribly. For example, let me read you one of the-- and I'll say this in scare quotes, sentences: Provided the Appropriations Committee shall place appropriations bill on General File no later than the 70th legislative day in a 90-day session and the 40th legislative day in a 60-day sentence. You may have noticed that's not a sentence. So, we have a sentence fragment there. We don't know whether that goes with the sentence before or after. Additionally, there's a whole lot, six semicolons in here that don't belong. As folks were saying, as long as we're under the hood, we ought to fix this. So here is an opportunity again where we didn't have E&R reviewing and so we have a poorly written bill. So what I have done and obviously the pages have not handed this out yet. I'm sorry about that but you'll get this. If you're following along, all of the semicolons trying to create a list here are going to become commas. And yes, Senator Cavanaugh, I will include the Oxford comma, even though I'm not a fan. It is her birthday. So there you go. And then in the, the, the list at the bottom where it says: appropriate General Funds resent-- resulting in a net loss, all bills resulting in the reduction of general of-- of revenue to the General Fund, comma, then all tax expenditure bills, comma, all bills containing a transfer to or from the Cash Reserve, comma and all appropriations bills shall not and it goes on. So in those two instances, the semicolons become commas, which they should be. And we fix the sentence fragment by simply taking away the "provided the." So we say the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90-day session, and the 40th legislative day in a 60-day session, period. That's a sentence. Wonderful. So we just take out the "provided." It's clear what that means is that there is the contingency because it says "if this deadline is not met" in the next sentence. So we know then that we don't need the "provided that" because there is a consequence if this deadline is not met. I know that this is sort of a smaller change, but this is a-- part of my larger attempt to try to make our rules a little more readable, a little more accessible, a little more understandable to people when they first come into the Legislature. I did say at the beginning of this, fewer words are better. I'm only getting rid of one word, but it's fewer words. So we're trying to just make our rules more accessible to new members since every couple of years we get-- every two years we get a lot of new members now that we have term limits. So I think they're passing them out to you now. And you can look at that and see what you-- what you want to see. I will echo what Senator Erdman has said in the past, which is that we probably ought to go

through all of our rules. I know that the index clerk has indicated that she would be willing to index them for us, which would help. The time when this helps isn't now when we're all sitting here happily listening to grammatical discussion. The time when we want to have all of this the way we want to have it is when something crazy happens on the floor and everybody gets out whatever color the book-- I don't know what it'll be this year-- but whatever bright color they make the Rules Book and you can look around, you can see 12 copies of that bright colored Rule Book come out, and everybody's trying to figure out where's the appropriate rule. And if we have these kinds of ridiculous grammatical issues, it's really hard for us to get to the bottom of the thing. And so we just want to make clarity. I will say I would be interested in working on a larger kind of fix it situation with our rules to try to make them more clear, make sure that everybody understands them, and we get fewer words in our Rule Book, not more. Thank you, Mr. President.

**DeKAY:** Thank you, Senator DeBoer. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. I'm just looking at this for the first time. I unfortunately missed some of the conversation prior to this, but I did come up while Senator DeBoer was talking. In reading over the way this is being modified, though, by getting rid of the semicolons, I have, I guess some concerns with the grammatical way this could be read. Would Senator DeBoer yield to a question?

**DeKAY:** Senator DeBoer, will you yield to a question?

**DeBOER:** I suppose so.

**DUNGAN:** I apologize for putting you on the spot. I'm literally just-- I'm looking at this--

**DeBOER:** Yep.

**DUNGAN:** --and I was talking with the Speaker, and I want to make sure that we're getting this correct. So when it says the beginning part here, I'm looking at the semicolons.

**DeBOER:** The first list?

**DUNGAN:** Yes. So my concern is if we get rid of all of the semicolons and replace them, however, with commas, I'm worried that's going to confuse some of the phrases there that sort of clarify other parts.

For example, during a 90-day session, all bills which, comma, when considered with their companion bill, comma, appropriate General Funds resulting in a net loss; and then that semicolon there, I think is meant to end that phrase.

**DeBOER:** Well--

**DUNGAN:** And then it moves on to all bills, resulting in the reduction of revenue to the General Fund and all tax expenditure bills. And so if we replace all the semicolons with comma, does that conflate then the "when considered with their companion bill" portion or? I'm just worried if you start adding a bunch of commas, if you're going to get like a run-on phrase where it's unclear what's modifying which part of it. Does that make sense? And if not, could you please clarify why it would make sense with those commas there?

**DeBOER:** So the commas are used to indicate the parallel structure of a list, which is what we would do if we had a comma. The commas that are when considered with the companion bill indicate an appositive. So we have the appositive which modifies the A bills. And then we have the parallel structure of the list following that. The semicolons would not indicate the parallel structure of the list, and commas would indicate the parallel structure of the list.

**DUNGAN:** OK. So does the "when considered with their companion bill" then affect all of the remaining parts of that list?

**DeBOER:** That's an appositive for A bills. So that's for the "when considered with their companion bill." So that's the main bill that goes with the A bill. So if you have LB225 and then LB225A so that would be the A bill with the companion bill, the original bill.

**DUNGAN:** OK. I just know there were some concerns if you move all of those to commas that it's going to actually create more confusion than it's going to clarify. I will always defer to you on grammar. I believe that you, you know exactly what you're talking about. I just want to make sure that when other people read this and kind of go through that list, it's clear which parts modify other parts. And so I think that was some of the concern. But we can continue to have a discussion about this. I know some others have brought that up, but I appreciate your clarification, especially on the record. Because if that comes up later, I think it's good to have that clear on the record. So thank you, Senator DeBoer, and thank you, Mr. President.

**DeKAY:** Thank you, Senator Dungan. Senator Arch-- Speaker Arch, you're recognized to speak.

**ARCH:** Thank you, Mr. President. Senator DeBoer and I spoke about this before. She pointed out that the sentences are cumbersome. I don't disagree. I, I'm no English major with, with semicolons. But I do notice that, that the attempt with the semicolons was to divide where it begins "all bills resulting in the reduction; all bills containing a transfer; all tax expenditures; all bills resulting in the reduction; all tax expenditure bills; all bills containing a transfer; all appropriations bills. And I think the attempt was that those semicolons would, would make those stand out so that as an individual was reading this rule, they would understand that those were-- that, that these were speaking of different groupings of bills. And so it is cumbersome the way it is right now. I, I don't want to-- I don't want to change it so that it makes it equally cumbersome. But that the goal is ease of-- ease of reading so that we all understand exactly what these rules are referring to. So I'm, I'm considering, Senator DeBoer, as it relates to your punctuation changes and we'll, we'll have some more discussion. Thank you.

**DeKAY:** Thank you, Speaker Arch. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I'm just now getting this also. In a review, a quick review with director of the Fiscal Office, I agree with her that the current semicolons separate the, the topics better. And the, the sentence that they're-- that's being stricken are parts of it, it already has two commas before you get-- three commas before you get to the first semicolon and that's one thought. But then the semicolons, I like them because they do create more of a list. You stop here and you start a new item on the list. And so you have bills with a net loss as one thing, semicolon; then bills resulting in reduction of revenue. That's another type of bill. Tax expenditure bills is another type of bill. It's separated by a semicolon. And so I do not support this amendment. I prefer to leave the wording in the proposed rule change as proposed. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Clements. Senator DeBoer, you're recognized to speak.

**DeBOER:** Senator Arch and I have come to an agreement that the best way to work this out is to do neither the comma nor the semicolon solution, but instead to create a list. I think what happened is that

initially there was just one, maybe two of these things listed. Now that there are four, it makes a lot more sense to bullet them out as lists. Senator Moser also pointed out that there is a typo in one place on my amendment that the word "day" and "in" have been put together without a space. We will fix that as well. So what we're going to do is we're going to create a list in both of these circumstances. So these are the types of things that will be held. And I think that will make it clearer for everyone. Senator Arch, would you yield to a question?

**DeKAY:** Senator Arch, would you yield to a question? Speaker Arch.

**ARCH:** Yes, I will.

**DeBOER:** Speaker Arch, have I correctly characterized our agreement that we wish to bullet this as a list?

**ARCH:** Yes. This has been very complicated, but yes, we, we are going to do that. As a matter of fact, I believe the Clerk has-- is going to help us with that and get this to a correct, a correct amendment. When you say bullet, I think we'll do the 1, 2 and we'll actually number these. And that will make it much easier to read so yes.

**DeBOER:** I accept. We'll-- we can do 1, 2, 3, 4 instead of bullets.

**ARCH:** And we'll have that back quickly.

**DeBOER:** OK. So in the meantime--

**ARCH:** We have others.

**DeBOER:** We will see when that comes up. Thank you, Mr. President.

**DeKAY:** Thank you, Senator DeBoer. Senator Moser, you're recognized to speak.

**MOSER:** Thank you, Mr. President. Greetings, colleagues and Nebraskans, watching us argue over commas and semicolons. I saw that typo in Senator DeBoer's amendment, and I was thinking that it needed a comma between day and in and a space. So, so actually, they're working on a reformat of this rule so that it's actually shown as a list or kind of like bullet points, so that the format of the rule helps explain what we're trying to do. So that's, that's what is happening right now. They're working on some things to make this all simpler and easier to read. Neither one of the amendments was particularly clear to the

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average reader. And so I think they're trying to fix that. So I was talking to Senator Wayne earlier. He was talking about his concern about the Governor coming to talk to us. And so I was wondering if Senator Wayne would respond to a couple of questions.

**DeKAY:** Senator Wayne, would you yield to a question?

**WAYNE:** Sure.

**MOSER:** Greetings.

**WAYNE:** Greetings, sir. How are you doing?

**MOSER:** I'm just peachy. Good as an old guy can be at my age and, and all the crazy things that I've tried to do in my life and have got myself.

**WAYNE:** But you're still a good musician.

**MOSER:** Ha, ha, ha, yeah, well, we're having a rehearsal tonight so we'll see.

**WAYNE:** What, what do you-- what are you playing?

**MOSER:** We're playing for a dance club this weekend, actually.

**WAYNE:** Oh.

**MOSER:** And so-- and we haven't played for about three months, so it'll be sketchy, but we'll get through it. Sometimes your most unprepared moments are the most fun.

**WAYNE:** I agree.

**MOSER:** When the dance is well scripted, it's not as much fun as if you, you feel the moment and, and play.

**WAYNE:** So you don't know what music you're going to play at the sketchy dance?

**MOSER:** You know, I don't know what we're going to actually play for sure. I, I picked my favorite 19 songs out of 600, and I'm just waiting for my friends to respond with their list, and then we'll--

**WAYNE:** Give me one song.

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**MOSER:** One song?

**WAYNE:** Yeah.

**MOSER:** Oh, man.

**WAYNE:** You have 19. You can't think of one. [INAUDIBLE]

**MOSER:** I can, but you're not old enough to know any of what any of these songs are probably.

**WAYNE:** I am well seasoned. Give me a try.

**MOSER:** Do you know who the Casinos were?

**WAYNE:** I have a couple across the river.

**MOSER:** Yeah. The Casinos had a song, Then You Can Tell Me Goodbye. It's a really cool kind of a doo-wop love song about go through life, get along, do everything together, you know, and then-- and then if it don't work out, then you can tell me goodbye. In other words, you know, when one of you goes or you both go, that's, that's the end. But up until that point, we're going to, you know, get along well so anyway.

**WAYNE:** You stay with them until it doesn't work out, then you say goodbye.

**MOSER:** Yeah. No, no, no, no.

**WAYNE:** It seems kind of logical.

**MOSER:** Stay with it until you croak or something.

**WAYNE:** Oh, OK.

**MOSER:** Anyway, you need to go on YouTube and Google that, and you'd enjoy the song. It-- it's a cool old song. I don't know who wrote it. Somebody made a lot of money with it, I'll tell you that. Anyway, though, I want to get back to the discussion of aid to north Omaha and Florence or however you're describing it. And I was wanting to ask you what your concerns are.

**DeKAY:** One minute.

**WAYNE:** Oh, I don't-- I don't-- I mean, I don't have a lot. Some of the concerns have already been out in the press. I don't have a whole lot of concerns. I just have some very pointed, deep concerns. I don't have a lot. I just have some pointed, deep concerns. One is we are granting a organization roughly over \$86 million, and their whole purpose is to create pads to be shovel ready and not produce one job. I don't think that's what this body who voted on a bill 47 to 1 thought when we were putting money aside within two miles of the airport that we would spend \$90 million to create some flat land that has some nice drainage underneath it. So that's one major concern. Another major concern is we tend to be looking at some of these grants from what we're hearing going to a lot of nonprofits.

**DeKAY:** Time.

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

**DeKAY:** Thank you, Senator Moser. Thank you, Senator Wayne. Senator Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. It's been a very interesting conversation, been both the grammatical conversation and the musical conversation, interesting. I think we're almost ready with the amendment, but I did push my light for a specific reason. So we're having a disagreement about what is the proper usage of semicolons versus commas. And I thought, why? I guess that's the end of that sentence-- I thought why-- and not a comma, period. I thought, why, period. And so I-- and then I thought, well, maybe we had a difference of opinion about which is the correct format or style guide to use. Maybe Senator Clements is a MLA guy, and Senator DeBoer is a Chicago style or and then I looked it up, actually, there's the APA, which is the American Psychological Association, usually used in education, psychological and science. So there's at least three style guides that are out there that might have different recommendations and usage. And so I thought to me, myself, maybe we could avoid this problem in the future if we created a rule and said the Legislature will operate under the Chicago style guide or the MLA. I'm not trying to start a fight right now, so I'm not suggesting that we pick one. But as we have this conversation in the future, something to think about next session, we could avoid these sorts of confusion and ugliness of the fight about semicolons if we just choose a consistent style guide to adhere to. So that's my suggestion for next year. Maybe I'll bring that as a rule proposal if I'm back here next year. And I don't know. Are we ready? Maybe not. Maybe I'll talk a little more about the



Chicago guide and the MLA guide. You know, when those of us who went to law school, there's a few of us in here, we also have what we call the Blue Book, which, when I was in law school, went from, I don't know, about 300 pages to about 600 pages. It got a lot bigger. And so there were a lot more because they contemplated, started contemplating how to cite to the Internet. We're ready. All right. So I think we're ready to get the answer, the long-awaited answer to whether it's semicolon, comma, or list is the easier thing to read. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Cavanaugh. Senator Clements, you're recognized to speak.

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

**DeKAY:** Senator DeBoer, will you yield to a question?

**DeBOER:** Reluctantly.

**CLEMENTS:** Oh, well, I'm not seeing another copy being passed around yet. Has there been one prepared?

**DeBOER:** Yes, Senator Clements, there has. And I think it's just taking them a little while to make the photocopies and pass them out.

**CLEMENTS:** All right. Well, then thank you for that. I want to just discuss this rule section in general. So the-- some of the new senators are more aware of it, and-- oh. Thank you. This is in Rule 8, Section 5, about bills being held on Final Reading. You could have a bill that passes great in the first round. It's called General File. Second round we call Select File. It could be voted there and that sends it to Final Reading. But it can't have a vote to finally pass it if it's doing these things about spending money. And the, the rule starts off by saying the Appropriations Committee shall include a recommended dollar amount of the General Fund appropriation, which shall be allocated for the funding of A bills that reduce the revenue to the General Fund. And so I've already been asked, is there going to be money for A bills? And those A bills are appropriation bills. And right now the state's revenues have been stable. But they're about right on what we've budgeted for. And if the revenues match what the budget is, we've already allocated the budgeted amount, which is what the Forecasting Board does. They set a projection of revenues and we budget to that. And one of the important things is that, especially

during a 90-day session when we're setting the budget, the section says that when bills appropriate General Funds resulting in a net loss, they're going to be held up. A net loss would mean we are spending more money than we have available. And the state of Nebraska has a constitutional limit from borrowing money. So we only spend money that we have available. And so that's why it says you can't create a net loss with a bill, and it's held up until possibly some other revenues are found or a different way to fund a bill. And if it would reduce the revenues, which would be a tax cut, that would-- a projection that would lower the revenues below what our budgeted amount is, that would be another situation, another one called a tax expenditure bill. A tax expenditure bill is like an incentive. The Imagine Act that we have is called a tax, tax expenditure because we allow people to avoid, get an exemption from tax. And so these-- all those types of bills are held on Final Reading until the appropriation bills are passed by the Legislature so that we set the budget bill. And then once the appropriation bills are passed and the budget is set, then the Fiscal Office gives us a dollar amount of how much is still available for spending, which is when the A bills [INAUDIBLE]--

**DeKAY:** One minute.

**CLEMENTS:** --and then we start debating which additional spending bills that we're going to approve and prioritize them. And that's what we've already done in Appropriations. We've-- we always have a lot more requests than we have money. And so we do prioritize and try to do what's best for the state of Nebraska as a whole and for taxpayers, and to honor those dollars that they send in and not spend them unwisely. So I just do think this is an important rule that we have, that we make sure we're managing the budget and protecting it. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Clements. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. How much time do I have left?

**DeKAY:** 4 minutes and 48 seconds.

**WAYNE:** Oh, so it didn't-- accounted for me walking. OK. I wasn't sure. New Chair, new rules. Hey, oh, sorry. Would Senator DeBoer yield to a question?

**DeKAY:** Senator DeBoer, will you yield to a question?

**DeBOER:** Yes, I will.

**WAYNE:** So I see you-- in this new rule, you guys came up with some bullet points. Did this have a hearing?

**DeBOER:** The underlying change which suggested that bills containing the transfer to or from a Cash Reserve Fund had a hearing.

**WAYNE:** So you would say that this isn't substantially different.

**DeBOER:** I would say that the grammatical changes which we have made today are important for ease of reading, but have not made a substantial difference for the purpose of having a hearing or not.

**WAYNE:** OK, so this is where I'm confused. I've never seen it outlined like this. So you have a 1, 2, 3 with no comma or semicolon. And then a "and" at the end. Shouldn't that be "or"? Because if it's a and, then you're going to say during-- shall not be on Final Reading until all of these conditions are met. If it's a comma "or" or a semicolon "or" then it's each individual one. But if it's the word "and" you're saying there-- it has to be all of them met at the same time before. So if I have a A bill but I don't have-- it doesn't reduce revenue and doesn't contain a cash transfer and it isn't a tax expenditure, then it wouldn't qualify. I'm not saying it's possible. I'm just saying if you have the word "and" it's literally means all three plus the fourth. That's just grammar.

**DeBOER:** Did you ask me a question?

**WAYNE:** Yeah. So should it be "or"?

**DeBOER:** So I'll meet you halfway here. OK? I think it is appropriate to have commas there. We do not. But I didn't want to do another show with you and Moser while we were waiting to get the new copy, so we were just going to try and add those in later, but we can add them in now.

**WAYNE:** I'm just-- I mean, but is it still "and"?

**DeBOER:** But I think it should be "and." If you read it, it says during a 90-day session, the following shall not be read: A bills, bills resulting, bills containing, and all tax expenditure bills.

**WAYNE:** See, that means and so that means all of them, right?

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**DeBOER:** All of those shall not be read on Final Reading until.

**WAYNE:** So aren't each of those individually one thing so you don't want to, you don't want to, you don't want to, you don't want to, and you don't want to?

**DeBOER:** The whole list-- the whole list shall not be done until.

**WAYNE:** But can, can a bill by itself or does it have to have a tax expenditure too?

**DeBOER:** I mean, I think I see what you're saying. If you want to make it an "or"--

**WAYNE:** I don't want to do anything. I'm voting against the bill, I mean the motion. I'm just saying, if you're going to do it, I think it-- "and" is the wrong word. I think it has to be--

**DeBOER:** That was in there originally. But, you know, while we're-- while we're cleaning things up, if you want to somehow change that, I will take a floor amendment to my amendment to change that.

**WAYNE:** OK. Well, I believe "and" is the right word. I just don't like the word "and" at the-- I mean, to me it should be on three comma and.

**DeBOER:** You just-- you just said "and" is the right word. Did you mean "or" is the right word?

**WAYNE:** No, no. I'm-- Clements has it all drafted out over here next to me.

**DeKAY:** One minute.

**WAYNE:** So I'm going with his drafting. He has a whole diagram with arrows. It's a-- it's really, really complicated. So I'm, I'm going to yield the rest of my time.

**DeKAY:** Yield to Senator Clements? I yield to Mr. Clerk.

**CLERK:** Mr. President, Senator DeBoer withdraws the former amendment and offers the new rule amendment that was distributed to members concerning Rule 8, Section 5.

**DeKAY:** Senator DeBoer, you're recognized to open. Senator DeBoer, you're open-- recognized to open.

**DeBOER:** I would like to withdraw the amendment because my understanding is we're going-- this is getting a little bit ridiculous at this point. And so what we're going to do is we're going to fix it. And if there is a time at which we will do it or in the next biennium we can fix it. So for the record, though, we just want to make sure everybody understands that those are all separate types of bills in a list. Senator Wayne's point about the "and" would still apply to the rule as written. We will withdraw-- I will withdraw my amendment at this time so that we can move on, because this is getting silly. And that way we can-- we can fix it in another time. We don't need to be taking time on the floor to do this. Thank you, Mr. President.

**DeKAY:** Thank you. Amendment withdrawn. Senator Clements, you are recognized to speak.

**CLEMENTS:** Is that-- thank you. Thank you, Senator DeBoer. I agree that it's getting complicated. The-- we're back to the proposed rule change, I believe, from Speaker Arch. And that, that rule change is just adding that all bills containing a transfer to or from the Cash Reserve Fund-- I spoke about that earlier-- that we want to also hold those up before Final Reading so that bills that would adjust the Cash Reserve are also held until we've finalized the budget. And the-- I don't believe that the semicolons have caused a problem before. The Appropriations Committee understands what this is. The Speaker has understood the language. And I think that's really the only people who are involved in scheduling these bills. And so I do think we need this rule change to make sure the Cash Reserve Fund bills are considered after the budget is determined so that we're not unnecessarily affecting the Cash Reserve before we know how much money we have available. So I support Rule Change 16 as proposed originally with that Cash Reserve provision added. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Clements. Seeing no other names in the queue, Senator DeBoer, you're recognized to close on your amendment. Speaker-- Speak-- Speaker Arch, you're recognized to close on your amendment to permanent Rules Change 16, Rule 8, Section 5.

**ARCH:** Thank you, Mr. President. First of all, I want to say that this was not a, a frivolous issue. We're trying to make these rules readable. We're trying to make them understandable. We're trying to clarify. We're doing a lot of those changes. What Senator DeBoer brought was, was actually a meaningful change. We just don't have time at the present time to work on it and make sure that everything is correct. And so we're-- and so Senator DeBoer offered to pull that

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amendment and I appreciate that. This will be back. For those of you that follow, we will be back considering those changes at a, at a later date, probably at the beginning of next year when we go to more rules. So with that, we are on Rule Change 16. As Senator Clements has summarized it well, I don't need to close. And so I would appreciate a yes vote on Proposed Rule Change 16. Thank you.

**DeKAY:** Thank you, Speaker Arch. The question before the body is amendment to permanent Rule Change-- Proposed Rule 16, Rule 8, Section 5. All in favor vote aye; all opposed vote nay. All voted who choose to? Record, Mr. Clerk.

**CLERK:** 35 ayes, 2 nays on adoption of the proposed rule change.

**DeKAY:** The amendment carried. Next item, Mr. Clerk.

**CLERK:** Mr. President, next item, Proposed Rule Change 30 to permanent rules from Senator John Arch, excuse me, Rule Change 20 from Senator John Arch, changes to Rule 5, Section 6 return to Select File.

**DeKAY:** Speaker Arch, you're recognized to open.

**ARCH:** Thank you, Mr. President. This is my last proposed rule change that will come to the floor. And I would ask for a yes vote on this. And, and let me explain what this does. This, this change addresses the issue of a motion to return to Select File from Final Reading. So a motion to return to Select File from Final Reading, it is-- it is a-- it's one issue where it says a motion to return to Select File for the purpose of adopting X. And so what we are saying here that a motion to return to Select File for a specific amendment is not divisible nor amendable, nor is the amendment once returned to Select File. So this has been the past practice because the motion to return to Select File process is limited to a single specific amendment at one time. It is one motion. Historically, Final Reading has not been the time for a major stage of debate, and was instead an opportunity for senators to reflect on the finished proposition, read it over before the final approval. When the bill was returned to Select File, it was for the purpose of correcting a flaw, not for reopening debate. Germaneness can be raised, but only on the motion to return to Select File for that specific amendment. So with that, I will-- I will stop. And as I mentioned, this is very, a very specific one that when you take a bill back from Final for a motion to return, it is-- it is not divisible, it is not amendable. It is-- it is an up or down vote. Thank you very much, Mr. President.

**DeKAY:** Thank you, Speaker Arch. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Colleagues, I rise today I believe mostly in favor of Proposed Rule Change 20. It does sound like from what Speaker Arch has been laying out there, that this is a codification of practice. Also speaking as a relatively new senator still, I will say this is actually a pretty confusing process. As those watching at home probably know, we have three rounds of debate: General File, Select File, and Final Reading. It has to pass all three rounds of debate with approval, and then ultimately be signed by the Governor before it becomes law. If it makes it to Final Reading, though, and there's ultimately changes that have to be made, that's kind of what we're talking about here with regards to this rule, is there is a process and procedure for bills to return from Final Reading back to that second-- [RECORDER MALFUNCTION] Select in order to make an amendment or change. The current rule, I believe, is that when you return to Select File, it has to be for the specific purpose that Speaker Arch was just laying out of a particular amendment. But last year, I know there was a couple of times this happened, and I had some questions regarding that process that maybe are addressed in this rule and I just want to kind of get a little bit of clarification. If Speaker Arch would yield to a question, I would appreciate that.

**DeKAY:** Would Speaker Arch yield to a question?

**ARCH:** Yes, I will.

**DUNGAN:** Thank you, Mr. Speaker. So, one of the questions I had with regards to when it returns back to Select File-- and I don't remember how this operated last year, but what is the process for debate at that point in time? Is the debate part of the same process of what's happening on Final Reading? Is it the same timing period? Or does it start the clock on a new Select File, four hours of debate, or however that operates?

**ARCH:** So you are debating the motion to return to Select File for the purpose of adopting X. So it is, it is a debatable motion at that time. It's not amendable, but it is debatable. Does the clock stop?

**DUNGAN:** And then all of the time, I believe, is running consistently on Final Reading. So if we have two hours for Final Reading, once you debate this motion and if that motion is adopted and then it goes

back, do you immediately then continue that clock on the two hours on Final? Is it all part of the same time you're running?

**ARCH:** Correct. You're-- the, the Fin-- you're on Final Reading. And so it is, it-- whatever that cloture is is-- this debate of the motion is part of that, is part of that Final Reading time.

**DUNGAN:** OK. Thank you. That's actually incredibly clarifying, because I know that was a question that I had last year, and last year was wonky. And so I appreciate some clarity on that. And I think that this is very helpful to have that clarity both on the record for future conversations, that it's all part of that Final Reading clock, it doesn't restart some Select File clock. And I also appreciate the clarity that both a motion to return a bill to Select File for that specific amendment and that amendment, once it's been returned, are neither divisible nor amendable. This is very akin to me to the same conversation we were having with regards to a motion to suspend the rules, where a motion to suspend the rules is for a specific purpose in a limited scope. I know they're not quite necessarily the same, but it's somewhat analogous, in my brain to help understand it, that a motion to suspend the rules in order to do X is that thing that you're debating. And so that's very similar to how we're doing this return to Select File, where the motion would be to return to Select File in order to amend subparagraph (2) in such a way. And so I think that that actually helped clarify a lot of things in my brain from some confusion that I had last session. Hopefully it's been helpful on the record for future conversations with regards to that clock as it runs on Final Reading or Select File. And I would encourage my colleagues to generally be in support of, of proposed rule change 20. I also want to say thank you to the Speaker. I think this is the last of his rules that he ultimately worked through. I know we've talked about this over the last couple of days or few days, but I think the Speaker and his staff, along with the Clerk--

**DeKAY:** One minute.

**DUNGAN:** Thank you, Mr. President-- have been very open to conversations and substantive suggestions. I know we've had a lot of amendments that have been proposed, some have been adopted, some haven't. But all of those that have been adopted have come through the collaboration of the Clerk's Office, the Speaker's Office, and our Rules committee. And so I, I very much appreciate everyone's willingness to work through those rules. I do think that at the heart of them is a desire to maintain the institution of our Unicameral



while still supporting the minority voice, but also ensuring there's guardrails in place. So I do stand in support of proposed rule change 20. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Dungan. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. And good afternoon, colleagues. I wanted to rise in support of the proposed rule change that Speaker Arch has be-- has put forward and that is before the body today after being advanced by the Rules Committee. I believe that this is a thoughtful amendment to our permanent rules that definitely provides much needed clarity in perhaps an rarely utilized component of our rules that always sparks a bit of confusion when it does come up. And I, I think my friend, Senator Dungan's, analogy to a motion to suspend was, was, was apt in terms of how it, it works in terms of practice. And, and I'm glad that he, he made that kind of explanation clear and I'm glad that we've addressed that in, in our rules debate this year as well because I think it, it is always kind of a confusing moment for the body to think through how these, these, these motions work. One point that I did just want to provide, perhaps on the other side of the coin, from the opening remarks that Speaker Arch made-- and, and I think he's right that, in general, Final Reading is a time for final or quiet reflection, and it's rarely a, a stage in our deliberative process where we have robust debate. However, I, I do just want to remind the body that it is more than just a formality, and it should be. And it has been utilized upon Final Reading to actually have full and robust debate, particularly on highly complex and controversial matters. So that's why you may hear sometimes the filibuster rule being invoked is kind of an 8-4-2, in reference to eight hours, four hours, two hours as a general rule of thumb regarding fair and full debate at each state of our three stages of debate. So, while generally Final Reading today has become more of a reflection time or a formality, it is still an important stage of the debate and can be utilized for robust debate to allow the body one last time to pause, to consider, to reconsider whether or not to move those highly contentious measures forward. You might remember there was also some discussion last year at maybe one of the most challenging days that, that we had in the Legislature-- and it was very hard to hear each other because of the citizen engagement that was happening-- but there's also an important component of our rules that does allow for a different vote threshold to still pass and advance a bill on Final Reading. But if said bill or said measure does, in fact, have an E clause on it, a lower vote total that would

be requisite to pass a measure with the E clause could change things just to allow the measure to go forward but change the timing for implementation. So that's another key piece that happens on Final Reading that is rarely utilized and frequently overlooked that I wanted to kind of reaffirm or redraw the, the body's attention to because it did pop up in our debate on LB574 or LB626 last year. And I think that, that particularly new senators need to think through how that works as well. The other thing that I was going to mention in terms of how this particular rule is utilized-- and I know other coll-- colleagues had already mentioned that perhaps we bring a--

**DeKAY:** One minute.

**CONRAD:** Thank you, Mr. President-- that perhaps we bring a rule back from Final Reading to Select because there was some sort of technical issue that needed to be addressed. That's absolutely a reason or an impetus that this rule is utilized from time to time, but it's also utilized for many more instances and reasons and strategies, including ongoing negotiations, sometimes fiscal impacts, sometimes time constraints, and otherwise just kind of broader negotiations, particularly as you reach the tail end of session with remaining time and remaining vehicles to move forward. So, this is not utilized that often. It is utilized for a host of different reasons when it is. And I think it's important to have clarity on it for all members of the body. And Final Reading can and should be a deliberative stage in our process, which is already more efficient and effective--

**DeKAY:** Time.

**CONRAD:** --than any of our sister states'. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Conrad. Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. Colleagues, I passed out a little map. This is if I decide to go through with my, my amendments tomorrow. We'll figure out if I will tonight when I sleep on it. But here goes one example of, of something that I saw that happened this year. So those who recall two years ago, or a year ago, Senator McKinney and Senator Geist worked on a bill called LB450 to create iHubs. Then we put \$30 million behind that iHub. After last spring session, a few of us went out to the White House, and we had some conversations with the White House and other people about the proposed federal tech hubs. Now, this is not my thing. This was somebody else's

thing. But I was there because I, I had some contacts there that could be beneficial. And so we went out there and talked to them all. And what people were kind of astonished was how Senator McKinney wrote this bill. I actually said-- I don't know if it was Jesus or Moses or a burning bush, but the way he wrote this bill perfectly aligned with the federal government, and we actually did it before them, and we actually had dollars stacked behind it. So from all perspectives, we were probably one of the few states that was leading in the opportunity to be a federal tech hub. But despite conversations, you know who was never invited into the room? Senator McKinney. He was never invited to the room with the individuals who were making an application. And it wasn't till the day of the application we started catching wind that, hey, who in north Omaha can help? Because we have extra points given if we do it in a distressed area, which we knew eight months ago-- seven months ago, when Senator McKinney passed this bill and then the federal regs came out. On top of that, the sweet Chamber of Commerce of Omaha and others started recruiting companies that we were looking into the airport park and pushing them out to Fremont. They were pushing them away from north Omaha out into Fremont, which is fine. Fremont needs the jobs. But I don't think it should be a competition or a either/or. I think if it's good for north Omaha and it's good for Fremont, and Fremont has an inland port and it works out, then that's great. But we shouldn't push people and then try to go around and say, oh, we need north Omaha. We need the poverty. We need some minorities. Let's, let's throw in a paragraph for them and a application. But what you see in this map is we're one of four states. And what I can tell you is two of the states didn't even apply. We are-- it is embarrassing this map was put out and Senator McKinney led the way of, in this Legislature, of creating an iHub that perfectly met the federal definition in which we could get hundreds of millions for. And I get it. Maybe they don't like me, but this is just one example that I can think of real quick that I can hand out today to let you know where I'm going potentially tomorrow and the rest of this session. Missed opportunities because we don't allow certain people in the room. And you know, I used talk about-- I talked about Omaha Country Club and how deals are being done in Omaha, everything from Conagra campus back in the '70s. I can go back farther. Certain people weren't allowed in the room, and that's what happened this summer, and it damn near mimicked what happened at Omaha Country Club years ago. Certain individuals who led, put dollars behind, weren't even allowed in the room. And we failed.

**DeKAY:** One minute.

**WAYNE:** We missed out on opportunities to bring semiconductors-- in fact, Senator McDonnell had a bill last year for an additional \$20 million for semiconductor research. These were all of the resources coming together to put us on a federal stage of leading the way in certain areas. But the champion of that cause was not allowed in the room. Multiple meetings we would hear about. Oh, we met. This person was in the room. We're going to do one application for the entire state. OK. And where's north Omaha at? Because there's already money dedicated there from a federal govern-- federal government's perspective, we're leveraging the state's dollars. This is what they want to see in a grant. Nothing. Damn near every state around us is part of this map except for us. But we're OK with that. We could have turned \$30 million into \$300 million.

**DeKAY:** Time.

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

**DeKAY:** Thank you, Senator Wayne. Mr. Clerk for an amendment.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to amend by striking from rule change-- proposed rule change 20, Rule 5-- Rule 6, Section 6(a) "neither" from the final sentence of subsection (a).

**DeKAY:** Senator Machaela Cavanaugh, you're recognized to open on your amendment.

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. Is it nee-ther or nye-ther? I guess it-- I don't know. Po-tay-to, po-taw-to; ta-may-tow, ta-maw-tow. So I had introduced this amendment a few days ago, so I had to refresh my memory on it. If you recall me discussing-- what is time anymore?-- earlier this week, last week, who knows-- about how the rules debate is managed a little bit differently. You have to go back and look at the Journal, so. It's not posted online with today's agenda, so. Anyways, that's why I had to refresh myself. So I struck "neither," although that's not really what I intended to do. In further looking at this, it probably needs a different amendment, but it, it's kind of a follow-up to what Senator Conrad was talking about, which, I don't think that there's an issue about having a motion to return a bill to Select File to not be amendable or, or divisible, but the amendment itself, that's where we get into a bit of a sticky wicket because we are giving the power to one individual to decide how that bill will be amended in its final version, without the opportunity for anyone else to engage in a substantive conversation

about how to change what they have put forward to create better public policy. So that's why I put in the "neither," But the intention was just to allow for the actual Select File amendment to be divisible and amendable because that's what we do and that is our job. It is our job to work collaboratively. Sometimes we're better at it than others-- myself included-- but our job is to work collaboratively to pass the best version possible of whatever policy we are trying to enact, and we cannot limit ourselves to exclude 48 others from participating in that collaboration at any point in debate. So I don't think that this amendment is particularly what we need, but I might leave it there for just a little bit, see if we can have some conversations about how to fix it. I did wonder-- I know it's my opening, but can I ask somebody to yield to a question? Would Senator Wayne yield to a question?

**DeKAY:** Would Senator Wayne yield to a question?

**M. CAVANAUGH:** Senator Wayne, would you yield to a question?

**WAYNE:** Yes.

**M. CAVANAUGH:** Thank you. I was listening to you talk the last time on the mic, and you were talking about how Senator McKinney wasn't even in the room when the money was being decided, how it was going to be spent. And I just wondered if you knew who was in the room.

**WAYNE:** I don't, I don't know who was all in the room. And this is about applying for a national grant around tech hubs.

**M. CAVANAUGH:** OK.

**WAYNE:** I do know-- yeah, I don't know everybody that was in the room, but I know the, the architect of the bill was not in the room.

**M. CAVANAUGH:** And this was a state group-- a group based in Nebraska?

**WAYNE:** Yeah, it was a-- a couple s-- I think one senator there, some people from DED University and some private industry.

**M. CAVANAUGH:** And is there a way for us to ask and find out-- or, I'm-- who do I--

**WAYNE:** Yeah. You could probably ask DED. But that's just one grant. There's another grant called the Recompete Grant that Senator McKinney and I worked on for a long time. We weren't in that room either.

**M. CAVANAUGH:** And who can I ask for--

**WAYNE:** I would say DED.

**M. CAVANAUGH:** And based on, on who is-- who you've already stated would be in the room, I assume that this-- these meetings would qualify for open meetings and open records.

**WAYNE:** Not open meetings, unless Senator Linehan's bill passed that says that if you're a public pers-- yeah, but not right now. No, it wouldn't be open meetings, to answer your question.

**M. CAVANAUGH:** So these are closed-door meetings with a-- some vague list of people who are deciding how tax dollars that we allocated are being spent?

**WAYNE:** No. Well, let me clarify. We allocated the tax dollars. We were, we were applying for a federal grant for more money, and they were deciding how we were going to apply, who was going to apply, and where those things should go.

**M. CAVANAUGH:** Where those dollars should go.

**WAYNE:** Right. But we miss out historically in Nebraska on mill-- probably \$500 million a year, if not a billion a year, on just federal grants that we don't apply--

**M. CAVANAUGH:** Right.

**WAYNE:** --we don't apply for.

**M. CAVANAUGH:** And aren't we actually in statute supposed to apply for those things?

**WAYNE:** Yes. I mean, you would think you-- yes. But taxpayers are paying money to the federal government, so why wouldn't we want those tax dollars to come back?

**M. CAVANAUGH:** Oh, no. I 100% agree. I just also thought that it was our law that we were to draw down all federal funds due to us.

**WAYNE:** We-- that is one of the statutes, but we do not do that. And there's another one that was--

**M. CAVANAUGH:** So we break our own law?

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**WAYNE:** Yeah. We, we do all the time. And there was another one-- I'll give you another example, 75-- Highway 75 that destroyed north Omaha. There was a grant, a reconnect grant.

**M. CAVANAUGH:** Yeah.

**WAYNE:** Senator McKinney and I had a bill. And then we talked to DOT about it. And I believe-- Senator McKinney has his light on-- I believe tho-- them dollars ended up getting applied for at the federal level to go to western Nebraska. But it was-- specifically, you could have tripled the amount for urban areas that were destroyed by interstates or highways, was the overall goal. That's why it's called reconnect, because they're trying to reconnect the communities. But no, this-- we didn't apply for it, nor--

**M. CAVANAUGH:** Senator Bostelman, I think-- I'm, I'm not entirely sure-- he does have a bill that addresses some of the fact that we have zero oversight over the Department of Transportation, which is also problematic. But we-- that is problematic that they are just applying for things that we have no say in what they're applying for.

**WAYNE:** Well, I mean, that's how we got in the Southwest Power Pool, is the public entities, public power just decided they were going to go with Southwest Power Pool and bind us forever without giving the Legislature or the Governor a heads-up on what they were doing.

**M. CAVANAUGH:** How fun. What a history lesson.

**WAYNE:** And right across the street in Iowa is MISO, which is a different power pool-- but we didn't have that conversation in this body. That was decided outside of us-- that binds us.

**M. CAVANAUGH:** OK.

**WAYNE:** Oh, there's going to be a lot we're going to talk about this year, about pulling the wool back and letting people really see how-- I, I don't know if I'd use the word "corruption" because I'm an attorney, but how bad these behind-the-closed-doors deals are happening and, and how I, I finally understand Senator Chambers and why he didn't introduce bills and why he didn't try to bring hope to his community. I understand it now.

**M. CAVANAUGH:** It's, it's hard when you're trying to fight so many things. And fight is the right word.

**WAYNE:** 100%.

**M. CAVANAUGH:** You're trying to fight the injustice and the, and the lack of transparency. And we are trying to fight back against the abuse of power and the misuse of funds and on and on and on. So I appreciate you bringing this up. And I will continue to listen to the conversation. Thank you, Mr. President.

**DeKAY:** Thank you, Senator Machaela Cavanaugh and Senator Wayne. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you-- thank you, Mr. President. I'm not sure where I'm at on this amendment, but you know for sure I definitely oppose this rule change. But just to continue the conversation about the tech hub thing. It was-- it's really interesting, you know. We passed the Innovation Hub Act. Then we set aside \$30 million to develop an innovation hub in north Omaha to help with small business growth and innovation, to boost-- to try to change the perception and the economy in north Omaha for the better. Then last summer, we ended up at the White House and had conversations about this, and they looked at us straight to face and said, you're the only state that has committed dollars to this initiative. If you apply, you're more than likely to get it. But, you know, Nebraska just has to be Nebraska. And some days I ask myself, is, like, the simple language of this just the simple language of this? And, you know, I've thought about this a lot. And maybe if we were another complexion and did all this, none of this would have happened. I rarely raise that card, but I have no other-- I have no other way to think about it. Because it feels like there's been a deliberate effort since last session to carve back everything we did and to screw it up. Look at LB50, for example. We passed that bill, like, the last day of session last year. It was passed. No complaints. No arguments of it being unconstitutional. None of that came up in the debate. Then we get to the summer and, and we get an AG's opinion that LB50 is unconstitutional. Then you have men and women sitting in a prison emailing my office, their families calling my phone, saying, what's going on? I thought the law was going into effect. No. It's not going into effect. It's in the courts now because the, the, the parole board, the-- what is she? Executive Office-- Executive Director, CEO, Ros Cotton, and the director of prisons-- the new one, Rob Jeffreys-- submitted a let-- submitted a question to the Attorney General asking for an opinion. And I'm not stupid. And this is not rocket science. You cannot sit-- look, look me straight in my eyes and tell me that Rob Jeffreys and Ros Cotton didn't have a conversation with the Governor's Office before that question was



asked. You cannot look me straight in my face and tell me that didn't happen. Why did he sign a bill? Or why'd he-- why didn't that question get raised during debate last year? But back to this and back to the whole north/south Omaha thing. This-- and I've been speaking to community members, and it's like, what's going on? And I was like, all last year, I kept saying, you know, there's a lot of people behind the scenes that are doing what they can to try to screw this up, make us look bad, and to try to get the money to them. And to date, that is probably going to happen, especially with the airport business part, unless we do something about it as a body. Because rich people who don't want to see communities like north Omaha be prosperous wants to hold us back so we could be the charity case for them so they could pass out fake awards every year--

**DeKAY:** One minute.

**McKINNEY:** --so they could feel good about themselves. They're trying to hold this back, and you can't convince me otherwise. And I'll wait for you to try. Thank you.

**DeKAY:** Thank you, Senator McKinney. Seeing no other names in the queue, Senator Machaela Cavanaugh, you're recognized to close on your amendment.

**M. CAVANAUGH:** I will, since it's not what I wanted to do. I will pull my amendment. Thank you.

**DeKAY:** Amendment with-- is withdrawn. Still seeing no other names in the queue, Speaker Arch, you're recognized to close on amendment to permanent rules-- proposed rule change 20, Rule 6, Section 6.

**ARCH:** Thank you, Mr. President. So we are on proposed rule change 20. And this clarifies what we're going to be doing with Select File and moving from Final back to Select. So I would appreciate a yes vote on rule change 20. Thank you, Mr. President.

**DeKAY:** Thank you, Speaker Arch. The question before us is to amend to the permanent rules proposed rule change 20, Rule 6, Section 6. All in favor vote aye; all opposed vote nay. Has everyone voted who wished to vote? Mr. Clerk, record.

**CLERK:** 32 ayes, 2 nays, Mr. President, on adoption of the proposed rule change.

**DeKAY:** The amendment carried. Mr. Clerk, any announcements?

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**CLERK:** Mr. President, some items. I've got a motion to rereference LB1092 from Revenue to Judiciary from Senator Wayne. That will be printed in the Journal. Additionally, notice of committee hearing from the Banking, Commerce and Insurance Committee. Mr. President, new bills.

**DeKAY:** Introduction of more bills.

**CLERK:** LB1401, introduced by Senator Ballard. It's a bill for an act relating to appropriations; appropriates federal, federal funds to the Department of Transportation for motor vehicle transportation infrastructure; and declares an emergency. LB1402, introduced by Senator Linehan. It's a bill for an act relating to appropriations; appropriates funds to the State Treasurer for the purpose of providing grants to scholarship-granting organizations; and declares an emergency. LB1403, introduced by Senator Linehan. It's a bill for an act relating to revenue and taxation; amends Section 77-908, 77-3806, Sections 77-7103, 77-7104, 77-7105, 77-7106, 77-7107, 77-7108, and 77-7109; changes provisions to the Opportunity Scholarships Act; changes the use of credits under such act; harmonize provisions; repeals the original section. LB1404, introduced by Senator Wayne. It's a bill for an act relating to the Commission on African American Affairs; amends Section 81-2601; changes membership with the commission; provides for a quorum; repeals the original section. LB1405, introduced by Senator Wayne. It's a bill for an act relating to single-family housing; prohibits the purchase of single-family housing by certain entities. LB1406, introduced by Senator Sanders. It's a bill for an act relating to the Game Law; amends Section 37-438; authorizes active-duty military permits as a type of state park motor vehicle entry permit; and repeals the original section. That's all I have at this time, Mr. President.

**DeKAY:** Thank you, Mr. Clerk. I would like to recognize in the north balcony: Nebraska cattlemen, Young Cattlemen's Group, 10 members from across the state of Nebraska, represented by Senator Ibach. Thank you. This will be last call for new bills. Mr. Speaker for announcement.

**ARCH:** Colleagues, just to remind what tomorrow's schedule is, we will meet at 9:30. We'll do check-in at 9:30. Governor is scheduled to speak to us at 10:00, and-- so we'll have the State of the State tomorrow morning. I committed to the executive branch that we would adjourn prior to 4:30. They need to come in and set up for tomorrow's State of the State, so that will, that will happen. And when we begin debate on rule changes, you'll-- you see the agenda today; Rule 3,

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Senator Erdman's Rule 3 will be the first up on the agenda. Thank you, Mr. President.

**DeKAY:** Thank you, Speaker Arch. Mr. Clerk, new bills, new items.

**CLERK:** Mr. President, new bills. LB1407, introduced by Senator Sanders. It's a bill for an act relating to the Military Installation Development and Support Fund; amends Sections 55-901, Sections 84-612; changes the name of and approved uses for the Military Installation Development and Support Fund; defines a term; harmonize provisions; repeals the original section. LB1408, introduced by Senator Sanders. It's a bill for an act relating to human trafficking; amends Sections 81-1431, Section 81-1430; changes provisions relating to the Human Trafficking Task Force and training on human trafficking; requires hotels to have a policy relating to human trafficking and requires hotel employees to receive training on human trafficking as prescribed; limits the liability of hotel owners, operators, and employees relating human trafficking committed by a third party; provides powers and duties to the Department of Labor and other state agencies; and repeals the original section. LB1409, introduced by Senator Bostar. It's a bill for an act relating to real property; amends Section 76-856; change provisions relating to the Nebraska Comindi-- Condominium Act; and repeals the original section. LB1410, introduced by Senator Linehan at the request of the Governor. It's a bill for an act relating to the ImaginNE Nebraska Act; amends Sections 77-6831, 77-6832; changes provisions relating to tax incentives and the use of tax incentives; repeals the original section; declares an emergency. LB11-- excuse me-- LB1411, introduced by Senator Clements. It's a bill for an act relating to appropriations; appropriates federal funds to the Department of Transportation. New LR: LR287CA, introduced by Senator John Cavanaugh. Constitutional amendment requiring the state to compensate political subdivisions for any locally imposed revenue source that is reduced or eliminated by the Legislature. Amendment to be printed from Senator Fredrickson to LB929. Report from the Urban Affairs Committee, reporting LB164 to General File with committee amendments. The Education Committee will be having an Executive Session Thursday, January 18, 2024 at 1:10 under the north balcony. Education, Executive Session under the north balcony at 1:10. Name adds: Sender Kauth to LB16; Senator Brewer to LB51 and LB853; Bosn, LB864; Halloran, LB872; Conrad, Meyer, Ballard, Bosn, Ibach all to LB876; Senator Halloran to LB878 and LB883; Senator Holdcroft also LB883; Senator Blood to LB886; Halloran, LB895; Brewer, Halloran, both to LB925; Senator Halloran also to LB934; Senator Conrad, LB945; Senator Halloran to LB953 and LB54 [SIC-- LB954];

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Senator Conrad to LB959; Senator Brewer to LB974; Senator Conrad, LB976; Senator Murman, LB1003; Senator Halloran, LB1004, LB1027, LB1034, and LB1035; Senator Machaela Cavanaugh to LB1050; Senator Halloran to LB1060; Senator Slama, LB1067; Senator Conrad, LB1089; Senator Halloran, LB1111; Senator Brewer, LB1243; Senator Holdcroft, LB1260; Senator Halloran, LB1297 and LB1299; Senator Hansen, LB1301; Senator Holdcroft and Lippincott, Brandt, Kauth, McDonnell, Dorn, Linehan, von Gillern, Jacobson, Aguilar, Halloran all to LB1301 as well; Senator Holdcroft to LB1368; Senator Halloran to LR277CA and LR278CA. Finally, Mr. President, a priority motion: Senator Machaela Cavanaugh would adjourn the body until Thursday, January 18, 2024 at 9:30 a.m.

**DeKAY:** Thank you, Mr. Clerk. There's a motion by Senator Machaela Cavanaugh to adjourn. All in favor say aye. All opposed say nay. We-- we're-- we are adjourned.