

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

**DORN:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred Eighth Legislative [SIC], Second Session. Our chaplain for today is Senator Tom Brewer.

**BREWER:** Please join me in our morning prayer. Dear heavenly Father, as we come before you this morning, we want to thank you for this day and for this opportunity to come together not just as colleagues, but as friends. Help us to remember that in not many days we will all go our separate ways and that we need to remember above all that our work here is, is to help our constituents have a better life. Help us to, to remember as we pass legislation and make decisions that that is our ultimate goal. Give us strength and guidance. Be with those who are in the cold serving the state of Nebraska. And we just ask that you continue to guide over us. We ask these things in your precious name. Amen.

**DORN:** I recognize Senator Steve Halloran for the Pledge of Allegiance.

**HALLORAN:** Colleagues, please join with me in the Pledge of Allegiance. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**DORN:** Thank you. I call to order the twelfth day of the One Hundred Eighth Legislative [SIC], Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

**CLERK:** I have one correction this morning. On page 460, line 6, strike "1" and insert "3." It's the only correction, Mr. President.

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

**CLERK:** Mr. President, before that, I've got messages, reports, and announcements: Report of registered lobbyists from January 18, 2024. That'll be printed in the Journal. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. And a reference report from the Referencing Committee concerning LB1412 through LB1417, as well as a rereference

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

of LR286CA to the Government Committee, and a reference of Jacqueline Russell. Mr. President, first item on the agenda. Senator Halloran would move to suspend Rule 3, Section 14, to allow for the cancellation of the public hearing currently scheduled for January 23 before the Agriculture Committee concerning LB999.

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

**HALLORAN:** Thank you, Mr. President. As the body is aware, or maybe not aware, LB999, which was initially referenced to the Ag Committee has been rereferenced. I had submitted a notice of the hearing for LB999 for Tuesday of next week, January 23. Since the bill is, is referenced, I need to file a notice of cancellation of the hearing. This motion, if successful, would suspend Rule 3, Section 14, which reads in pertinent part, quote, No bill or resolution having been set for public hearing shall be withdrawn, nor the hearing canceled within 7 days of the date set for the public hearing. This motion will require 30 votes. I would ask for your yes vote on the motion. Thank you, Mr. President.

**DORN:** Thank you, Senator Halloran. Seeing no one in the queue, the question before the body is the motion to suspend. Excuse me, Senator Halloran, you're recognized to close. Senator Halloran waives. Seeing no one else in the queue, the motion before the body is to suspend Rule 3, Section 14, to permit cancellation of a public hearing. As Senator Halloran said, this takes 30 votes. All in favor vote aye; all opposed vote nay. Mr. Clerk, record.

**CLERK:** 30 ayes, 4 nays on the rule suspension, Mr. President.

**DORN:** The motion passes. Mr. Clerk, next item.

**CLERK:** Mr. President, in relation to that, notice of cancellation from the Agriculture Committee concerning LB999. Mr. President, next item on the agenda, agenda. Senator Erdman would move to withdraw LB1140.

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

**ERDMAN:** Thank you, Mr. President. Good morning. The purpose for withdrawing this bill is I have discovered other pertinent information that I didn't have before I introduced this bill. And therefore, after getting that information, I think it's prudent that we withdraw this. So I would ask for your support to allow me to withdraw LB1140. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

**DORN:** Seeing no one in the queue, Senator Erdman, you're recognized to close. Senator Erdman waives. Colleagues, the motion before is-- before the body is to withdraw LB1140. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

**CLERK:** 34 ayes, 0 nays to withdraw LB1140, Mr. President.

**DORN:** The motion to withdraw passes. Mr. Clerk, for items.

**CLERK:** Mr. President, next item on the agenda. Proposed rule change 29 from Senator Hansen. When the Legislature left the proposed rule change yesterday, pending were the-- was the proposed rule change itself, as well as an amendment from Senator Hansen setting the limit to 16 bills introduced at any one session, as well as committee bills limited to 10 bills rather than 8. Senator Hansen, you're recognized to give a review.

**HANSEN:** Thank you, Mr. President. Yeah, just a brief review about the current rule change that we were-- we were discussing yesterday and continuing on today. This would amend Section 4, which has to do with the amount of bills that a senator can introduce. Rule 5, Section 4, excuse me. As you remember, we did originally have the bill at 14 bills that a senator can introduce with 2 priorities if they kept it below 5. But with discussion among my colleagues and others, we changed the bill slightly to increase 14 bills up to 16 and then increase the amount of total committee bills that each one can introduce, which was 8 and we increased that to 10. And we did strike the part or get rid of the part that has to do with the 2 priorities. So again, kind of simplified the rule change to go from 16 for senators and 10 for committees only. So I think we'll have a-- again, another good discussion today about people's thoughts and questions. And so with that, thank you, Mr. President.

**DORN:** Thank you, Senator Hansen. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. Senator Hansen, I'm wondering if you would answer some questions. I'm sorry. And, and perhaps this is more of a discussion and you may not have the answers to it because I don't either. So would Senator Hansen yield to a question?

**DORN:** Senator Hansen, will you yield to a question?

**HANSEN:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

**DeBOER:** Senator Hansen, I was looking at this yesterday and I was thinking about the fact that I've introduced this session, my first ever LRCA. And I'm wondering since it says, to no more than 16 bills if LRCAs counted within that or not or if we need to be, like, more explicit about whether LRCAs are included within that number or not included within that number?

**HANSEN:** From my understanding, they are not included in that number.

**DeBOER:** OK. They're not included in that number?

**HANSEN:** I will verify off the mic just to make sure, but I am pretty positive they are not.

**DeBOER:** OK. Thank you. That's helpful.

**HANSEN:** Yep.

**DeBOER:** The other question I have is whether or not our current session is affected by this rule, because our rule change will go into effect immediately? And one thing I would be concerned about is whether or not any senator who brought more than 16 bills, if all of their bills could potentially be declared invalid because they had violated this rule by introducing more than 16?

**HANSEN:** Yep, that's a good question. That's one that I had also after we introduced the bill and from my understanding, no, this-- since we've already had bill introduction and that is over with this, this rule will go into effect next year.

**DeBOER:** OK. Sorry. Who told-- who told you that? Who's, who's told you? Just because I want to be sure that we don't have the problem of invalidity or court, court questioning.

**HANSEN:** I did ask the Clerk's office, but I will verify again off the mic just to make sure.

**DeBOER:** OK. All right. Well, that's some--

**HANSEN:** Just want to make sure I'm answering that correctly when I'm done here, so.

**DeBOER:** Yeah. And that's just something that I think we probably ought to put on the record too, so that everybody knows there's no possibility of a court challenge if somebody brought-- because I

happen to have 17 bills this year. And so it might be a little bit of self-interest here to make sure that if I pass some bills this year, that there's no problem with them.

**HANSEN:** That makes sense. I'll be on the mic again in a little bit and I'll verify both those questions just to make sure.

**DeBOER:** All right. Thank you, Senator Hansen.

**HANSEN:** Yep.

**DeBOER:** So we'll figure that out. We'll get that piece figured out in a second. But I also wanted to put before the body an idea that I heard floating around. Since we had a snow night last night, several people were together last night, and one of the things people were talking about is that there is a difference between, of course, the number of bills we can process in a short session and the number of bills that we can process in a long session. So one of the things that I would put before this body, and I'll probably introduce an amendment to this effect, but I'm telescoping this now so that you can think about this, is that instead of doing 16 bills in any 1 session, we do 32 bills in any 1 biennium. So that if you decide you would like to do more at the beginning of the biennium, so you have 2 years to work on them, I know I always sort of have that policy myself. I will introduce more bills in the long session, and then I have not only a longer session to work on them, but I also have the next year to follow up if there's some significant work that comes out that needs to be done during the hearing. So I will put in a amendment, we can all consider whether or not we might want to do 32 bills in any biennium, rather than 16 in each session. And I probably should have talked to Senator Hansen about that ahead of time, but we can talk off the microphone now. And then maybe 10 bills each session stays the same for committees, because committees ostensibly would have the same need for these sort of larger cleanup bills--

**DORN:** One minute.

**DeBOER:** --every year. And so because that's the case, it makes more sense to me to keep the committee bills at 10 each year to kind of give those to those cleanup issues. But that individual senator's bills should probably, in my mind, be 32 per biennium so that people have the opportunity to think about giving their bill that they introduced in the early session, in the first session, the ability to maybe have an interim to be worked on and then come back and finish it

in the-- in the second half of the biennium. So that's something I'm thinking about. I'll go talk to Senator Hansen after I get off the microphone. Thank you, Mr. President.

**DORN:** Thank you, Senator DeBoer and Senator Hansen. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I again, colleagues, rise in opposition to the idea of putting a limit on the number of bills someone can introduce for a number of reasons that I articulated last night. And I'll probably go over those again, because so many folks, I think, took off due to the-- trying to remember the word was, snow squall, I think. We need Senator Dungan here to define it for us again, but it's basically a snow tornado or something along those lines. But the reason I pushed my light this time was to talk about how many bills we're actually talking about here. I, I understand some of the reasoning articulated as to why folks want to do this, but one of them is to limit the number of bills so that we have a workable, manageable number to work on. And this year, the number that everybody thinks is, is too high is something like 1,411 bills. So I did some quick math here. There are 49 senators times 16 bills is 784 bills a biennium or I'm sorry, a year for-- so for a total of 1,568 bills a biennium. So if everybody introduced their 16, that would be more bills that have been introduced. And that's just-- that's just the individual bills. That's not the committee bills as well, which would be over a biennium another 280 bills. So you get to-- close to 2,000 bills. And what we all know is that if you put a limit like this on something, that it is going to get filled. It's like, you know, electricity, path of least resistance or, you know, a gas fills the volume of its space or some other physics reference that I vaguely remember from high school. I need a high school science teacher like Senator Vargas to explain it to me. But my point is, I think I have 15 bills this year, which is one less than we're talking about and Senator Bostar has somewhere in the 30s. And if we had this rule, you could bet that Senator Bostar would have come to me and said, hey, I've got another good idea and I don't have any space, will you take it? And I would most likely say yes, because I had room and there were bills. Senator Riepe and I, not to throw you on the spot here, Senator Riepe, had this conversation as well where he said, yeah, if I had room, I'd probably offer some space up to folks. So my point is that you're trying to solve a problem, and the solution being proposed may actually, in fact, exacerbate the problem. It might make it worse because it sets a cap that's actually higher than the number of bills that are introduced right now. And by creating that individual cap,

you will either drive people to make these bigger, more convoluted bills, or you will have people find other ways to get the ideas that they think need to be introduced introduced, and we will end up filling up all that space. So if your real goal is to decrease the number of bills, this is not the answer. But if your goal is to prevent some people to stifle some people's voice, make it harder for some people to get their ideas heard, then this is the right idea. This will stifle conversations. It'll silence some of our constituents. It will prevent those of us who have many ideas, see many problems that need fixing from addressing all of those problems, or attempting to address them and continuing to have those conversations. So I, I like all of these conversations that we're having on these rules. I would ask you all to take a closer look. Take a step back. Think about it from a different angle. Don't just look and say, I see there's 1,411 bills this year and I think that's too many. We're going to have to have-- Natural Resources, I think, Senator Brandt just told me we got 20 bills in Natural--

**DORN:** One minute.

**J. CAVANAUGH:** --Resources. Thank you, Mr. President. We're going to have to have 20 hearings in Natural Resources. Unheard of, I guess. Agriculture has something like 12 bills, although I think we just took 1 away. So I don't know if that's on there or not, but we're going to have, have to hear-- have hearings on all of these bills that we have. We're going to have to, you know, do the work that we were sent here to do. But again, this rule does not achieve its stated aim, but it does achieve the aim of silencing some of our constituents and silencing some perspectives. And I don't think that's a healthy way to run this place. I don't think that's the right idea. I don't think that is a meritorious objective. So I understand that we want to manage our workflow, but this is not going to help us do it. Thank you, Mr. President.

**DORN:** Thank you, Senator John Cavanaugh. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr.--

**DORN:** Excuse me. Excuse me. I, I missed a spot in the line. Senator Hansen is recognized to speak.

**HANSEN:** Thank you, Mr. President. Senator DeBoer's question earlier about LRCAs, if they would be included as part of these 16. And I did

verify that with the Clerk's office and, and looked through the Rule Book some more. But because LRCAs do fall under the same rules, regulations as regular bills such as cloture, they're amendable, you know, they-- they're debatable, they would fall-- they would count as 1 of the bills. So if somebody did introduce 15 bills and 1 LRCA that would count as one of the 16. I just want to clarify that question that Senator DeBoer had, because that was a good question. And right now I am considering another thing that she did mention about the 32 per biennium, because she does make a point. Just kind of mulling it over right now and figuring out what we want to do. So if we do decide to kind of consider what Senator DeBoer mentioned, I'll bring it up also again later. So thank you, Mr. President.

**DORN:** Thank you, Senator Hansen. Senator McKinney, you are recognized to speak now.

**McKINNEY:** Thank you, Mr. President. I'm not sure where I'm at on this amendment, but I oppose the rule change for the same reasons I oppose all rule changes. I don't think we should be changing the rules right now. We should wait, come back next year and if rules need to be changed, let's change them then. But we shouldn't be changing them during the biennium because, I mean, last year was tough, but it was tough. That's life. We move on and keep going. That doesn't mean we, we change rules in the middle of the process. It really doesn't make any sense to me. Just looking at this rule, I mean, it's easy to see that, one, you could pack bills. Two, you could get people to take your bills. And if you're a committee Chair, you could just maximize the 10 bills. So essentially I still could introduce 26 bills. There is nothing in this rule that could stop me. I could just say they're committee bills and I introduce 26 bills. And every other committee Chair introduces 26 bills and we still have the same problem. So I don't think it's the solution. And that's the other issue with this rule outside of changing rules during the session or during the biennium. I still could introduce 26 bills and you couldn't stop me. Which means we'll still have long hearings. We'll still be here forever. It doesn't solve anything outside of there's just much more bills coming to Urban Affairs or if somebody was the Chair of Judiciary, maybe 200 bills are in Judiciary next time if we pass this bill. There's ways to game this whole system of these rules. And that's something we should think about. And I know, yeah, we introduce a bunch of bills and some people feel like some of these bills shouldn't be introduced or they're just bills to get people to come before your committee. But that's something you have to do sometimes because agencies in this state ignore emails, they ignore cause, they



avoid answering questions when they are not in front of committees. So sometimes you have to introduce a bill to get them to come before you to figure out what's going on. That's something else we should think about. It's just clear that this rule has more unintended consequences than perceived. Limiting bills doesn't limit bills, especially if you're a committee Chair, because you can introduce 26 bills. You also could pack all 26 bills with 5 or more bills. So is that really solving anything? We could go all day about this. I just think personally and as somebody who, you know, doesn't like changing rules in the middle of anything, we shouldn't pass this right now. Because if you're a Chair you can, if this passes, introduce 26 bills. You could also pack all 26 bills, which means you're going to have long hearings on all 26 bills about every section of the bill if you pack 26 bills. I mean, it won't be fun, but if, if you guys want to change the rules, then the rules are the rules and we'll adjust to them and we'll just have longer hearings.

**DORN:** One minute

**McKINNEY:** We'll probably still have the same amount of bills introduced or more. You'll just have 26 bills that are packed with 5 or more bills. So, you know, we'll just have a lot of fun with bills and Bill Drafting will be very upset with the Legislature that we're packing 26 bills with 5 extra bills, and it's going to be a stack, the three parts are going to be this big if, if we pass this bill and that's the potential if this happens. Thank you.

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

**HUNT:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. It's always been such a point of pride for the Nebraska Legislature to get to go and say, well, in Nebraska, we don't put a limitation on how many bills we allow people to introduce. That has always impressed other colleagues that we have in other states so much when I talk to them about it. It's a part of the list of things that we are so proud in this institution. We're the smallest Legislature in the country, which allows us to get to know each other personally and collaborate and compromise on issues that divide us. And sidebar to that, you know, that's why it's so frustrating, too, when I hear people say, oh, it is a partisan institution. We talk about nonpartisan, but we know it's partisan. It's time to just do away with that label and be what we really are. Obviously, we're all ideological and partisan people, but because of so many of these

unique features of this Legislature, you do see people cross typical party lines to vote for different things. You know, in my time here in the Legislature, we've had conservative Republicans vote against abortion bans. We've had progressive Democrats vote for, you know, gun bills that wouldn't typically be part of a, a Democratic platform. You see Republicans vote for climate change legislation that is not always typical of that party, you know, and those types of things are only possible in the Nebraska Legislature because we don't have caucuses, we don't have majority minority leaders, we don't have whips. We're a small body. So we can have conversations about why these issues matter to us. And people do change their minds. It's happened to me. I've changed my mind, and I've-- I believe I've changed people's minds. Not, not always enough, not always everybody. But I have had conversations that were revelatory in that way. And when I talk to colleagues from other legislatures, from houses and senates around the country, that is not something they relate to at all. One of my best friends, one of my best lawmaker friends, I've got, like, 3 or 4 folks I really talk to every day. And he's in Philadelphia, he's in Pennsylvania, and he was telling me a story about how it wasn't until, like, his third year in the house that he was allowed to introduce an amendment to something. And that blew my mind because it's like, of course, in Nebraska, you could do that right off the bat. And we do. And it's a good thing because in this Legislature, we trust each other to represent our constituents, each of us equally. We don't say you have to earn favor with a party or earn favor with a leader in this body to have that right, because we come in here out the gate equal in the way we represent our constituencies. So to me, the ability of senators to introduce as many bills as they want, as they need, as they think is appropriate, to introduce as many LRs, LRCAs as they need or want or think is appropriate is one of those defining important characteristics of this unique and special body. And it's heartbreaking. Like, that's not an understatement. It's heartbreaking to me to have a rule change to take that away, because we're never going to do that, that'll never get undone, that makes this institution less unique. It's also, to me, kind of a-- it's, it's a patronizing nanny state type of thing. It's one of those things like you're just looking for something to do. You're just looking for a rule to introduce. You're just looking for a new restriction to put on people where there's no evidence that we actually need that restriction. Now if this is serious and, you know, taking--

**DORN:** One minute.

**HUNT:** --thank you, Mr. President-- taking points that Senator-- that Speaker Arch has made about, well, maybe going down the line, we are getting to be too many bills and it's becoming overwhelming for committees. You know what that calls for, an LR, an interim study. And I've talked to members here in the last 2 days who don't care about this rule change, who don't think it's needed, who don't think it's important, but said, I'll probably vote for it. Why? Why? Don't do that. What about an interim study? If it's so important, it's going to matter so much. Let's find out why. Let's solve these problems that Senator DeBoer was asking the introducer. It includes LRs, not great. Blood, Bostar, Brewer, Conrad, DeBoer, Dungan, Linehan, McDonnell, McKinney, Murman, Walz, Wayne, all of you have too many bills that would be allowed for this rule. Which bills are you willing to let go? We don't need Senator Hansen, respectfully, or anybody telling you how many bills you should introduce because we've got that handled, there's no evidence that there's a problem. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt. Senator Kauth, you're recognized to speak.

**KAUTH:** Thank you, Mr. President. I rise in support of this rules amendment. And it continues to amaze me that we have senators who were willing to burn the Legislature down last year and have said this job is a nothing job that doesn't matter who are now pontificating about maintaining the integrity of the Legislature. It's hypocrisy at its best. I support this amendment because I think it gives us a chance to prioritize those things that are truly important and to listen to our constituents more. I loved what Senator Dungan said about we need to be listening to our constituents and bringing those bills that are important to them. I've had the chance to work with 2 constituents on bills that, that they are incredibly passionate about, and it's been very, very rewarding. The fact that a committee will have 10 bills, we can put those good governance, small lobbyist bills in the committee packages. And for Senator John Cavanaugh, I question how it will actually stifle conversations if it is also simultaneously encouraging people to talk to each other to take on one another's bills. I think then you're going to get 2 votes. So I think having restrictions is not a bad thing and if it makes us think about what it is we're going to introduce and prioritize them better. Thank you. I yield my time to Senator Hansen.

**DORN:** Senator Hansen, you're yielded 3 minutes, 35 seconds.

**HANSEN:** Thank you, Mr. President. I actually do appreciate a lot of the comments that I'm hearing on the floor concerning the rules change and some of the opinions from my colleagues and some of the recommendations and also clarifications. And I think one of the other questions Senator DeBoer had, I wanted to make sure. It was about the LRCAs and it was about-- what was the other one? Oh, yes, whether it applies now. That is correct, that it, it applies next year. So I verified with that and wanted to kind of mention that as well. So we're good for this year so that way people can prepare for next year and get an idea of where they want to go with their bills, so. I just wanted to bring that up for clarification as well. Thank you, Mr. President.

**DORN:** Thank you, Senator Kauth and Senator Hansen. Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** Thank you, Mr. President. Good morning, Nebraska. I do support-- stand in support of the amendment to the rules change for that is. One thing I think-- I think Speaker Arch may have spoke about it yesterday just a little bit, one thing that concerns me, what I see happening as Chair of Natural Resources and sit on Transportation and Telecommunications Committee, we see a lot of bills that come in that are-- yeah, let's take license plates. We see a ton of license plates bills, and I think we have more license plates bills this year. And are those-- are those really bills that, that-- that's really that we need to have? I mean, how many license plates we have-- bills-- different license plates we have in the-- in the state. It gets kind of daunting at a time, and when we've restructured that a couple of years ago on our license plates and how they're funded and where those funds go to. But it seems like those are bills that continually, continually, continually come on to expand, expand, expand. So when you think about limiting the number of bills a senator has, I think that would force us to really look at those bills on a priority-- significant level within the state. Not that some of those license plate bills may not be a-- OK to do, but we see-- tend to see the same type of bill come through time and time again, just with a different slant, a different angle. And people shop bills around over the interim and especially the week as we start having bills. And so if you look you'll see multiple bills that are having just a little bit of variation between them and I'm not so-- and maybe what we could do, what this does is kind of force us to streamline that, that, that opportunity, that process that people have in, in, in, in introducing bills. And that's the effect that I would hope that would have is to really focus us on those bills that, that have significant impact and

other impacts that we need to take ahead of others. So I, I do stay in support of that-- of the amendment and the rule change. And I want to shift gears just a second. Driving in this morning was pretty tough. Pretty tough for me to come in. I live in, in rural Nebraska. I've got about six and a half miles of county roads to drive in to get into-- get into the Capitol-- get into-- get into Lincoln. And what happened over the weekend and what happens now, I, I want to give a shout out to our township operators, our county operators, our state operators that clear the roads. And a lot of times what we saw over the, the, over the, the weekend was it was our township guys and it was our local farmers with front-end loaders, front-wheel assists come out, open up roads and get people where they need to get, get people out of cars, and do the things that needed to be done when we weren't able to get to them in any other way. We also had one-- I'll mention his first name, Brad, was a township board member in Butler County who kept updating on his Facebook page about what's going on in the state as far as Highway 66, 92, and other county roads. That was critical to keep people off the road and for us to know what was happening. So thanking our operators that are on the roads. The big blowers that are coming in from South Dakota and other areas, those are critical things to happen for us. And also our linesmen, let's not forget those who keep the power on, our linesmen who go down when our-- if lines go down, they're the ones that go out no matter what--

**DORN:** One minute.

**BOSTELMAN:** --and work on those lines to make sure we got power-- electricity to our-- to our homes. Coming in this morning, I had three different routes that I had to drive to finally find a road that was open up enough that I can get in, and that was because our township had a road open, but also what our counties did over the weekend to push that snow far, far enough back that the drifts that were on those roads with my pickup, four-wheel drive, I was able to get through. Not everybody was that way, but I just wanted to say that and just really express my appreciation for those that move snow and those who are out there and keep our power lines up. Thank you, Mr. President.

**DORN:** Thank you, Senator Bostelman. Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you very much, President. President Dorn. I, I think this is a bad idea. And I'm against this for a couple of practical-- I mean, there's all-- very many practical reasons why not to be in support of this that I'm going to try to lay out, some of which have

been mentioned, some of which have not, but I hope people listening to the debate are really thinking about-- especially for new senators. For a lot of new senators, I, I want you to think-- and I don't preface this, Senator Hansen, tons of respect. You know, we've worked on issues before. He's nodding his head so that means there's mutual respect. You know, and I, I could disagree with him on this. The reason why I disagree on this policy issue is because there have been years where I've introduced less than 15 bills. There have been years that I've introduced more than 15 bills. And I could say that at the end of my tenure of 8 years. For those of you that are coming in, there are a lot of stipulations with when you would need to be able to introduce more bills. Doing this will treat 60-day and 90-day sessions the exact same, which means that if you have and want to introduce more than 15 bills in a 90-day session because you want to be able to get ahead of things, you want to be able to work on these issues, you can't, and then you're forced to introduce these bills in a short session, which is actually just making the short session that much more difficult if everybody is being asked to introduce 15 bills or that's at the max. I want you to also imagine for the new senators, you have a lot of constituents that will be contacting you asking to solve an issue that is so somewhat, you know, a, a very specific issue. Somebody mentioned this to me recently. Senator Jacobson introduces a fair number of bills on behalf of constituents, which I think is really fantastic. I do the same. We will no longer be able to when we're-- when we're thinking about bills to solve issues, when we're working with organizations, entities, lobbies or fixes, when we have to decide between bills, between constituents and bills between things that have been worked on for years, we're now going to be handicapped on whether or not we can and cannot introduce bills to solve those issues. I don't think that it's going to be a great conversation to have with constituents. Say, look, I can't introduce this because I'm capped at 15. We can't even have the conversation or go into the dialogue of actually working on the legislation. I can see very clearly after my 8 years that this is going to be an issue for you. For those that are new, you don't want to be in a situation where you say, I just don't have the capacity because I'm not allowed to introduce more than 15 bills. Like, this is a very, very significant concern. The other one is that we're not putting more limits on what committees can do. This is about making sure that we just have some level-- equal-level footing in terms of priority. You know, somebody recently said, do all these bills actually have to get to be introduced? And that question should be determined by the iterative process of the bill hearing. The bill hearing is the opportunity for

us to debate whether or not that issue gets beyond the committee process. You shouldn't be judging whether or not we're introducing bills, whether or not you like them. And then the rationale for capping bills shouldn't be I don't like the bills that are being introduced, and there's too many bills being introduced. That should be left up to the hearing process and how many bills we actually that get out of committee. And I think that tool, which is within the hands of committee Chairs, is absolutely already in place--

**DORN:** One minute.

**VARGAS:** --and is a tool for us to use. If trying to solve a problem of having too many bills is on capping bills, rather than really making sure that we're letting fewer bills out or being judicious and trying to build consensus, those tools are already in our disposal. And if we go down this route, at what point are we going to continue to-- continue to cap what we can and cannot do? I don't want the next thing to be that we won't have open hearings, which could be another issue, because recently-- in past, we've had people being able to come here for 8 hours. Now we have 3 hours of debate for each individual side. Not everybody's getting to be heard. We can't go down this route or we should not go down this route on whether or not we are capping the democratic process that is enabled on whatever issue, whether or not I agree on it or not, and our ability to introduce these bills.

**DORN:** Time.

**VARGAS:** And I'm sitting at 15 right now, so.

**DORN:** Thank you, Senator Vargas. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I rise in opposition to the Hansen proposed rule change to our permanent rules. It is an arbitrary restriction on our ability to represent our constituents and our state that we were elected to do as we see fit. As we have talked a lot about in regards to our rules debate thus far, there are a hallmark-- there are a host of hallmarks in terms of how the nonpartisan Unicameral Legislature was designed that helps to not only protect us from partisan shenanigans, but helps us to ensure transparency, engagement, and equal rights. We have a small membership by design. We have senators that come forward that have the ability, the moment they are sworn into office, to represent their constituents as they see fit. They don't need to be told by party bosses or

majority leaders when and if they can bring a bill, or how they can bring a bill, or when and if they will have a hearing, or when and if they are allowed to speak in committee or on the floor. Our process, which is small by design and equal by design ensures that we, as 49 independent actors, have an opportunity to pursue our objectives in service to our constituents in our state as we see fit. And, of course, we're the only deliberative body in the state being a Unicameral Legislature. So this arbitrary cap on our speech and our ability to serve our constituents and our state really does not have a place. And that's why when attempted in the past by the Nebraska Unicameral Legislature, it was quickly disposed of as unworkable for a host of different reasons. The other thing that I want to make sure to reaffirm in regards to this debate, and I have a lot of comments, so I'm not sure if I'll be able to cover them in one and will hit back in. But the Nebraska Constitution demands that we have a single-subject prop requirement in our legislating. When you look at Article III, Section 14, it is clear: No bill shall contain more than one subject and the subject shall be clearly expressed in the title. This is to ensure transparency. This is to ensure citizen engagement. This is to prevent logrolling, wherein senators would bring forward certain attractive aspects of a proposal and marry that with less attractive or desirous aspects of a proposal to try and curry votes. And this is exactly, colleagues, what we saw last year with the combination of LB574 and LB626, wherein there was a combination of disparate rules-- disparate measures in order to get enough votes because each didn't have enough on its own. It's exactly what was prohibited in our constitution. On that note, in our thoughtful deliberations and dialogues during the interim, figuring out how we can build relationship, how we can improve process, there's been almost a universal disdain for the remedy--

**DORN:** One minute.

**CONRAD:** --that we sought together last year-- thank you, Mr. President-- to put together more and more bills in a, quote unquote, omnibus or Christmas tree bill. People have indicated how much they-- how much disdain they had for that process. Colleagues, this literally goes the other way. It codifies and solidifies that process, which you've all claimed that you did not like for a host of different reasons. So rather than addressing issues that came up in last year's contentious session, this, this actually codifies the worst aspects of last year's most contentious, contentious session. So I, I think that we need to be thoughtful about that. Additionally, I think that there are a host of pragmatic and policy issues in regards to how this plays



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

out. Different senators with different levels of experience bring different bills.

**DORN:** Time.

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

**DORN:** Thank you, Senator Conrad. Senator Fredrickson, you're recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I rise today-- I think I spoke on this a little bit yesterday. I think I will support Senator Ben Hansen's amendment to the rule change, but I, I-- I guess I don't-- I don't-- I still don't understand the function of this rule change. I don't-- I don't see what problem this is trying to solve. I mean, I think if we just read it on the surface, the problem is that we think we have too many bills in here. But I, I respectfully, I think, maybe disagree with that. I'm not sure. I just-- I just feel like this is a bit arbitrary. I was thinking more about how this might backfire and I, I tend to agree with what's been said on the mic a little bit. I, I think that there-- we will see a little bit more kind of shopping around of sort of bill real estate between colleagues. And, you know, I think where there might be some benefit to that, I think certainly that could provide for opportunities of more collaboration and more conversation around that. I think that that's something that, you know, we're, we're all adults, we're senators. That's stuff we should be doing. That's part of our job in general. We don't-- we don't need a rule change. We don't need additional restrictions on us to tell us we should be collaborating with each other. That's-- that seems a bit, I don't know, reductive to me. It's also our own prerogatives, you know, do we want to bring zero bills one year? OK. 1 bill, 2 bills, 20 bills? I, I trust my colleagues. I trust my colleagues to make decisions about their constituencies. I trust my colleagues to make decisions about how they conduct themselves in here. And those are choices that are up to them. I also have been thinking a lot about different environmental factors that come up that can impact the amount of bills we bring. So I think, you know, when we're out campaigning, when we're out knocking doors and we're talking to our constituents, we all sort of campaign on specific issues or certain platforms. And I think when we come in here, we have a responsibility to bring legislation related to what we spoke to our voters about, what we spoke to our constituents about. But then once you get into this body, environmental factors might influence what type of bills

you bring as well. So the committee assignments you're on, for example, you might learn something on a committee that you want to bring legislation on that might increase how many bills you want to bring. State events can impact the amount of bills you want to bring. So I'm thinking of the-- just looked over at Senator DeBoer, we both brought bills related to 911 this past year. Part of that is because we're both on the Transportation and Telecommunications Committee. But it's also because over the last year, we saw multiple 911 outages in our state, and that invited legislation for better redundancy to ensure Nebraskans stay safe. So when I was planning my bills for this year in the biennium, I wasn't necessarily thinking of carrying 911-related legislation, but state events sort of happened that required that. So I think there are environmental factors we need to think about that are going to impact and influence the amount of bills that we're, we're going to want to bring. So it kind of brings me back to this idea that I sort of-- I trust my colleagues to make decisions that they think best represents their constituents, that sort of best meets the needs of the state and is, is, is what's actually needed in the moment. There's a few folks in here that have also been talking about lobbyist bills and these other bills that they feel sort of compelled to bring. I mean, I don't know, I, I-- you can always say no to bills. I-- I've, I've never brought a bill that I didn't want to bring or didn't believe in bringing. And I think the entire institution, the whole body would benefit if perhaps more of us did that. And as the great Shirley Chisholm once said, you know, more of us were unbought, unbossed, and unbothered. You know, you can't-- you can't be too worried about these things and that's-- that shouldn't be impacting, you know, the amount of bills in your platform in here. I also want to make one last note before I wrap up here on, on partisanship. We've been talking a lot in the swirl debate about, you know, the nonpartisan institution. And a number of folks in here have said that this is definitely a partisan body. Let's be really clear about something, you know, there's a difference between a--

**DORN:** One minute.

**FREDRICKSON:** --nonpartisan legislative body and partisan ideology. So, yes, there's obviously ideology that exist in here. We have different ideologies that exist in here. That's-- that, that is-- there's no secrets there. There's no surprises there. That is very different than having a nonpartisan institution in how we govern, how we elect leadership, how we debate bills. When we talk about the nonpartisan Unicameral, we're talking not about ideology, we're talking about the actual legislative process and structure of how legislation in the

institution works. So that's something I just wanted to sort of clarify for folks who are watching at home because, yes, there's ideology in here, but we are still a nonpartisan Unicameral based on the institution itself and how we operate in here. Thank you, Mr. President.

**DORN:** Thank you, Senator Fredrickson. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. Just thought I'd speak real soft, soothing. So I did some math earlier, and I talked about it on the mic for everybody, and I don't know if people quite heard it or really got what I was getting at, but my point was, if you do the math, and I'd be happy to do it all for you guys again, but if you do the math and everybody meets their maximum, you would end up having basically about 500 more bills introduced in a biennium than you do with no rule. And by creating a rule, you create an environment in which people are incentivized to get to their maximum, either through helping other people carry their bills, which I don't have a problem with people working together and asking someone else to carry their bill. I've done that many times. I've said, hey, you working on-- you've worked on this topic before, maybe you'd want this bill that I've kind of worked on, and I've had the same thing come to me. So there's no problem with the collaboration and encouraging people to collaborate. The problem is when you artificially limit someone's choices and how they're going to represent their constituents and how they're going to work in this body. And if your intention is to limit-- to decrease the number of bills introduced overall, what I'm telling you is this is not going to do that. It's going to have the one effect which is silencing minority, silencing constituent service, silencing innovative ideas, and it's going to increase the number of bills. So it's going to have the opposite effect of your intention. But it's going to have this other effect that is undesirable. But the other reason I wanted-- the thing I want to talk about is under Rule 5, Section 4(c): No bill shall be introduced after the tenth legislative day of any session, except: A bills and bills introduced at the request of the Governor may be introduced at any time. So my question is, we have a proposal here to limit the ability of senators elected by their constituents to represent them in this body, to legislate-- to, to limit our ability to do our job. However, we put no limit on the Governor's ability to introduce bills. The Governor can introduce bills into this body, can insert himself or herself into this body with a bill at any time and with no limit. So here we are proposing a rule to-- that's not going

to achieve its objective. It's going to silence the minority, but it's also going to further erode the independence and strength of this body as a counterbalance and coequal branch of this government. And that is a really bad idea. We need to be strong, and we need to be able to hold the administration to account. We need to be able to hold the courts to account when necessary. We need to be able to bring bills that they're going to have to answer for. And we need to be able to have the ability to bring bills without that limit. And if we are limiting ourselves and not them, we are giving away our power and diminishing our ability to do one of our fundamental jobs, which is hold them accountable and be a balance to the executive and the other-- and the, the other branches of government. So I just want folks to think about that while we're considering this. You know, on its face, a lot of people that I've talked to said this seems harmless. I don't really bring 15 bills. Like I said, I-- this is-- I brought 15 bills this year, which is less than this. I might have about 16, I guess, I'd have to double check.

**DORN:** One minute.

**J. CAVANAUGH:** But I brought more than that other years. So a lot of people are saying that they don't see that this is that big a deal. But what I'm telling you is it's a bigger deal than you think it is. It's going to cause more harm than you think it will if you actually stop and think about it. I know there's a lot of folks, if you're watching at home, you can hear a lot of people are chattering in here and talking and can't quite hear me talking on the mic or others, and they're probably not listening to what I'm saying. So I'm going to maybe say it a few more times and make sure that people, you know, are actually listening. I'm happy to talk off the mic with folks as well about it, but I just really think you need to take a step back and think about what the effect of this rule will be. And there's more effect than you think, and it has the opposite effect that your, your objective. So that's why I'm opposed to this rule at this point in time. Thank you, Mr. President.

**DORN:** Thank you, Senator John Cavanaugh. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Sorry, colleagues, I was in the back. A couple of things that have been more or less clarified is that we treat LRCAs the same as bills in every other instance in our Rule Book. In my amendment, which is coming up at some point, I don't know when, I do say LRCAs and bills so that it's clear, the Clerk has

assured me that it is clear because we have-- is it-- I can't remember what rule, but Section 2 of some rule says that-- Rule 4, Section 2 says that LRCAs are treated the same as bills for purposes of approval in this body. So that makes me feel a little better, because I know, though, in my time in this body, we have had discussions about whether LRCAs need to go through the three rounds of debates. The answer is, yes, they do because of that section. So there's that. But there are, are quite a number of questions for me. And when I drilled down with some folks on whether or not we might spark lawsuits about rules or about-- sorry, bills which have been brought by someone who has more than 16 introduced, it, it does give me pause because the answer is, why would anyone do that? And, you know, I don't know why anyone would do that, but I want to make sure that they don't. So for purposes of clarity, I think it probably makes more sense to add in, starting with the next biennium because I just-- I don't want to invite that kind of problem. Someone-- I think John Cavanaugh, but I'm not entirely sure, perhaps Senator John Cavanaugh is the one who made the point that this allows no limit on the Governor's bills that are introduced in here. Senator Erdman, it turns out I do listen, and I am sometimes swayed because on this, this particular rules change somebody-- I got an email from someone who said it was unclear what your position was on this, and that's because it's unclear to me yet. I'm still listening, still trying to decide. But that point about the Governor having unlimited ability to introduce and limiting ourselves is very concerning for me. In general, I think we are the only branch that limits itself. So I'm a little concerned about that. So I am listening to debate. I am considering debate. I wouldn't have thought I would have considered, I voted against this one coming out of committee, but I actually am very seriously considering voting for this. I would like to make sure that it is clear about the number of bills this year not being affected. And I would also very strongly urge consideration of my amendment, which would allow it to be over a biennium rather than year to year. So I hope we continue to have some discussion because, because I'm listening and I'm hearing good points. And so, generally speaking, though, I do think it's kind of stupid because it, it isn't a reflection of the amount of time spent to pass the legislation. I mean, that's the part that I just-- I can't quite get over is that I can pass--

**DORN:** One minute.

**DeBOER:** --20 bills that take 10 minutes each in hearing, no opposition, no whatever. And then someone else can have 1 bill that takes 6 hours for a hearing. So it just-- that's the part that I just

can't get over, is that I don't think this fixes the problem that it's supposedly intended to fix, which is to limit the amount of time that we have in hearings. So that's where I'm at. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I hope you all are having a wonderful snow day morning. Got here safe. Can you hear me? No? OK. Picking up on doing the math, Senator John Cavanaugh was doing the math. A third of you will not be here next year because of term limits. You have a maximum of 8 years to accomplish whatever it is that brought you to run for the Legislature. And that didn't used to be the case. We used to not have term limits, and people used to introduce bills and work over-- on them over a very long period of time. But now we do have term limits, which is part of the reason that you're seeing an increased number in bills introduced, because we are only here, for certain, for a maximum number of years. And if we want to achieve something, we have to work hard and work fast. Somebody talked about, well, the same bill just keeps getting introduced with a different angle on it-- slant on it over and over again. Yes. And that used to happen, it just happened to be the same person doing it and working with their colleagues and taking the feedback that happened in committee, in interim studies, in the Chamber, outside of the Chamber, and trying to improve and find something that everybody could come around to. My freshman year, I prioritized Sue Crawford's bill, paid family medical leave. Senator Crawford had introduced it every year that she was in this body, and she did various iterations of it because she was working with stakeholders to figure out the best path forward. We still don't have paid family medical leave in Nebraska, and I am still introducing different iterations of it now that Senator Crawford isn't here to do it herself. I just introduced a new bill on it, even though I introduced the bill last year. I introduced a new take on it to see if I could garner some more support from those that it would impact. So going back to the 1/3 of you won't be here next year, but you might vote to limit the voice of the One Hundred Ninth Legislature. And for those of you who are out talking to your constituents, who are hoping to be here next year in the One Hundred Ninth Legislature, why would you want to do that? Why do you want to tell your constituents, I-- I might not be able to bring a bill to address the fact that a pole was put in the middle of a sidewalk that is no longer accessible and in your yard. Because that happened to Senator John Cavanaugh, or we can't address these outages of 911 because I don't have enough bills

left. When your constituents come to you with a very serious problem that needs legislative action, and you tell them no, because you supported limiting the number of bills that you can introduce, do you think that that's going to go over well? But I will add to this debate--

**DORN:** One minute.

**M. CAVANAUGH:** --thank you, Mr. President-- if this bill-- if this amendment rule change does pass, you are just kicking the can to the One Hundred Ninth Legislature, Day 1, for a rules fight. Because why would the One Hundred Ninth Legislature adopt temporary rules that restrict their ability and give the Governor carte blanche on what he can, or she-- thank you, Senator Cavanaugh, for mentioning the she-- what he or she can bring? But the One Hundred Ninth Legislature is not going to just adopt the rules on Day 1 if this is a part of them, and that is a guarantee. That is a guarantee that the One Hundred Ninth Legislature will have a rules fight on Day 1 if this rule passes.

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

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

**HUNT:** Thank you, Mr. President. The more-- the more side conversations I have or listen to, and I am listening to people talking on the floor, the more evident it is that this needs an LR. There are problems with the language of this rule change. And folks do say, oh, well, we can go back and fix it next year. Please be real. Like, none of this is ever getting changed. And the changing demographics of the Legislature after this year's election is going to change the balance of the will to do something like that, too. And we all know that. And that's why this fight feels very political, actually, and it shouldn't be. If we're serious about improving the efficiency of this body, the efficiency of the Legislature, then I think the most efficient and responsible thing to do would be to have an interim study to get the perspective of the Clerk, to get the perspective of committee Chairs, to make sure that the rule that we draft to address the perceived problem of too many bills by some is actually drafted in a way that it accomplishes what it seeks to accomplish. What-- you know, I, I kind of shot over across the room and, and started talking to the Speaker and Senator Conrad and Senator DeBoer when I heard Senator John

Cavanaugh make the point that this rule change doesn't apply to bills introduced by the Governor at the request of the Governor further eroding the strength of this branch of government. I think that probably Senator Hansen's intention is to limit all the bills altogether. But nothing is said in this rule change about bills introduced at the request of the Governor. And so, again, that's something that if this was a serious good faith rule change could be addressed with an interim study if we took the time to get that right. I have heard different committee Chair-- like Sen-- I'm talking about Senator Bostelman-- you know, I, I kind of like-- I actually try to avoid the thing that we do a lot in here of, like, some people have said, it's, like, just say who said it. It's what Senator Bostelman was saying. It doesn't imply any disrespect on my part either. It's, you know, if you say something on the record, I'm not going to say you didn't say it, but him-- Senator Bostelman talking about the Natural Resources Committee and all the license plate bills that get introduced. Yes, I agree that we probably have too many license plate bills. I've said on the record many times that if it was up to me, we would probably just have a black license plate with white text, very aesthetic, very cool. I love that they're doing it in Iowa. It looks so nice. Some people really like that we have a million different license plates, you know. I introduced a license plate bill that passed, and it's generated tens of thousands of dollars of grant money for arts districts. Because of that bill, Senator Dover's district has received thousands of dollars in grants for their local arts communities. My district in Benson, in midtown Omaha, has received thousands of dollars for arts districts, so. And, you know, that can be said for every license plate bill that we have: animal conservation, cancer research, support for local communities. All of these things are accomplished through these license plate bills. And, yeah, there's a lot of them that get introduced. But look here, can you believe it, we've made it to 2024 and we've heard all those bills and we're no worse off for it.

**DORN:** One minute.

**HUNT:** A lot of our constituencies are actually better for it. Thank you, Mr. President. But if we want to reduce license plate bills, for example, to use the example Senator Bostelman gave, the way to reduce license plate bills is to talk to each other about that. It was kind of made clear to me when I started here that license plate bills were annoying. Like, I understood from an early time in this Legislature that everybody thought that was kind of annoying. So that made me think, OK, if I ever want to introduce something like that, it better



Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

be really good or be prepared to annoy everybody. And I don't want to do that. I don't want to be on anybody's bad side. So we talk in this Legislature, in this smallest Legislature in the country with 49 members, we can talk to each other and influence each other that way without the need for a rule to force us to do that. This is controlling. It's patronizing. It's patronizing to our constituents who we know well enough--

**DORN:** Time.

**HUNT:** --to serve the way we want to. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I'm standing up in support of the Hansen amendment, which would increase the bill limit to 16 bills. And I am-- I'm a person who-- I've never had 16 bills, I might have 10 this year. And there is precedent for this, there is formally a 10-bill limit in the Nebraska Legislature has been mentioned. I'm on the Appropriations Committee and this year we have 60 bills that I've just asked my staff. I was surprised that we had that many. And we also have-- we, we do budget revisions on even years, we have 23 agencies that have requests for adjustments in their budgets. And those will be not just one item-- some items-- some agencies will have 8 or 10 items to consider. So that's 83 bills and agencies for us to go through in a short session that'll take all of our time. Last year, the 2023 session, Appropriations had 95 bills, and they were requesting \$1.3 billion of new spending, which we had to consider and had, had to prioritize. Plus, we had to go through and approve the budget for all 75 state agencies. That gets you to 170 things to consider. And that's why you didn't see Appropriations Committee members at lunches and, and mornings and afternoons for about a 3-week stretch. We were meeting on regular appointed times, but also when we had full-day debate, we were having to meet on the side extra. And so I think we know that there are bills that people introduce that they're confident are not going to be able to pass. And it might be helpful for us to just tell those people, I don't have enough capacity to bring that this year or ask them to find another person. I think people who wanted to be more than-- more than 16 bills they could find someone also, the friend senator who had less than that and who would carry a bill for them if it was something important. So I think this is a good step to reduce some of the burden that we have and would save some time on committees. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. And I'm still not sure where I'm at on this amendment, but I definitely oppose the rule change. And I was just sitting here, and if my calculations are correct, we would be introducing more than what we introduced now if this rule goes forward or there is the potential for it to happen. And that is something we should think about. You'd think on the surface, the burden is going to be lifted if this rule passes, but in reality that's not true. I'll remind you that a committee Chair can introduce 16 personal bills, then have 10 committee bills that they introduce. That's 26. Then just imagine if I put 5 extra bills in that bill, that's 130 bills. So Bill Drafting is still going to be burdened with drafting bills that are super packed. You should think about that. And the problem really with the committees or the committee days is that 1 or 2 committees get more than the others. There's an imbalance in Referencing, either we combine some committees or readjust what gets sent to those committees so the workload is more balanced in some type of way. That's the problem. If you serve on Judiciary, you're literally telling yourself, I have-- I am potentially stuck here until midnight every hearing. You walk in there knowing that. Most nights it don't happen, but some nights it gets close. That's the problem. It's not the amount of bills. It's the imbalance of bills being referenced to committees. We either need to combine some committees or restructure how bills are sent to different committees. That is the overall issue because this rule does not solve anything even with the amendment. We will still have the potential of having 1,800 bills introduced over a biennium. And that's what you guys should think about. I don't think this solves the problem. I also don't think we should be limited in the amount of bills that we introduce. We're supposed to be a nonpartisan body. There is nobody in, in, in the back saying, Senator McKinney, you can introduce this bill, but you can't-- but you can't introduce this one. We're not like other states where people are essentially told what bills to introduce, told when they can talk on the mic, and those type of things. We're a Unicameral. We're not like everybody else. We have some autonomy as senators because we're essentially doing 2 roles in 1. We're a representative and we're a senator. That is unique and we should keep that uniqueness. This rule really doesn't solve anything. It just allows for more gaming of the system as some might say. We will get close to introducing 1,800 bills. I think there will probably be more emphasis on who wants to be a committee Chair. Because you will see that if I am a committee Chair, I can introduce more bills.

So those races might get more competitive actually. So if you're a committee Chair, just know if this rule passes the competition for your, your, your seat is probably going to intensify because--

**DORN:** One minute.

**McKINNEY:** --you would not be limited in the amount of bills you could really introduce, because you could essentially introduce 26 and pack all 26 bills, which could be over 100-and-something bills, essentially. So just something to think about. I don't think this bill-- this rule should be changed. I don't think any of the rules should be changed. Thank you.

**DORN:** Thank you, Senator McKinney. Senator Tom Brandt would like to introduce a guest underneath the south balcony, Mark Schoenrock of-- a Jefferson County Commissioner who was the 2023 Nebraska County Official of the Year. Please stand and be recognized by your Nebraska State Legislature. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Good morning, colleagues. I do rise still opposed to the underlying rule change 29. Unsure how I feel about the amendment. I do think, again, this amendment was done in, in good faith. And I think Senator Hansen has been listening to a lot of the critiques. And so I do appreciate the effort to modify the, the rule change to make it, I guess, a little bit more palatable. That being said, I just disagree with the fundamental underlying notion of limiting the amount of bills that a senator can bring. We are all independent senators who are here to represent our constituents and I talked a bunch yesterday about why that was important. But I think even taking a step back further, I don't understand why people here want to punish those who want to work hard. Right? Like, what we're supposed to do in this Legislature is come here and do the business of the people and do hard work. And I hear from constituents all the time, I want my senator to go work hard. I want you down there doing the business of the people. And I completely agree. The work that we do here should not be easy. And we are sent here to do difficult jobs. So I don't see why we should be trying to make our jobs easier. If people who want to vote for this rule change want to do less work, I understand, it's certainly easier, but I don't think that's what we should be doing. I think that we should be doing difficult things, and if we have hearings that go long, if we have hearings that go late, I think that's the business of what we are sent down here to do. I don't necessarily expect to leave every day by 5. Once we're in session, I tell folks that I could leave by 4:30. I could lead by 5. I could

leave by 8. I could be out of here by 10. I don't know. And that's OK with me because that's what we are here to do. So what I think this rule change seeks to do is limit the amount of work that the Legislature has to do. I don't think it achieves that goal, because I think, as Senator McKinney and, and many others just pointed out, what ultimately happens is bills are going to get packed full of other laws, and you're going to see these giant Christmas tree bills like we've see in the past, like last session. So we're going to see just as complicated of legislation. So I don't think it necessarily achieves the goal of giving us less work to do, but I certainly think that's what it seeks to do. And I just don't believe that we should be trying to make our jobs here easier. I think we should be trying to make sure we're addressing all of the, the ideas that come up and all the things constituents talk to us about. So I just fundamentally disagree with what this rule change seeks to do. I also am a little bit confused as to why we're acting like this is some novel new idea that's going to work. As I talked about yesterday, and I think some people were listening, maybe others weren't, this was tried before in the Legislature, right? We limited bills in the past and it didn't work. And so I guess I don't understand why we're not learning from that history. One of the biggest problems I hear about time and time again from people about the Legislature right now is the lack of institutional knowledge. Term limits have been implemented, and what that's resulted in is people coming and going in 8 years. Sometimes we're lucky enough to have people come back to the Legislature who have that institutional knowledge like Senator Aguilar, Senator Conrad. But we don't have a lot of institutional knowledge still in this body so we rely on those who came before us to ask the big questions of how have we done it in the past and what worked and what didn't? And I've had an opportunity to, like I said, to speak with folks who, who came here before and who were long-time institutional senators about this rule change. And not even talking about whether it's a good idea or not, they just have said this was tried and it failed. So the fact that we're addressing this like it's some novel new idea that's going to revolutionize the way the Legislature works is just, I guess, confusing to me. It doesn't make sense that we think this is going to fix the problems that we currently have. And there are issues, certainly, I think we need to make sure that we are, are, you know, correcting our Legislature and modernizing it as we go. And I'm not opposed to changes in rules in general, but I certainly am opposed to the idea--

**DeBOER:** One minute.

**DUNGAN:** --thank you, Madam President-- I'm opposed to the idea of changing the rules based on things that we know simply aren't going to have the effect that we want them to have. In addition to that, you know, we, we have been sent here by our constituents, as I said yesterday, and I think it's worth reiterating to represent them, to bring ideas they bring to us. And the idea that we can just farm those ideas out to other senators who have less bills, I think it's problematic. Those senators may not care about those issues the same way that my constituents might. And so if my constituent comes to me and says, hey, this is something I think we should address and I'm already full on bills, it's going to be difficult, maybe, for me to find somebody else who is going to then adopt that idea because they may not have the same issues they care about, the same background, the same constituency. So I, I just think that this, this whole rule is, is fundamentally flawed in that it limits the voice of senators, which inherently limits the voice of the people that they're sent here to represent. And I would urge my colleagues to vote against rule change 29. Thank you, Madam President.

**DeBOER:** Thank you, Senator Dungan. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Madam President. Again, good morning, colleagues. As I feared, I did not have an opportunity to work through some of the legal policy and pragmatic concerns I have about this measure that's been put forward by Senator Ben Hansen, who is a good friend and working hard to try and make government more efficient and effective in his perspective. And I appreciate his candor in that regard. I also appreciate that he's working hard off the mic to try and figure out a path forward on this and other matters. And that's always, always welcomed and appreciated. One thing that I wanted to lift up that I was concerned about because this plays out very differently in different committees. But when we have a designation as a committee bill, for example, that's not really spelled out about how that happens. It seems to be primarily through the prerogative of the Chair rather than in consultation, in concert with the diverse committee membership that we have comprising each committee of the Legislature. And so I'm concerned about how that would actually play out. And in many ways, I think enhance the, the ability of individual members who are selected as Chair to do more in terms of legislation than each member, which is supposed to have an equal opportunity to serve their constituents and states as they see fit. That's, that's always been a defining feature of our Legislature, in fact. The other thing that I think is probably playing out this year in terms of maybe a high watermark for bill introduction is a couple of different things. One,

that shows me that perhaps there is a fair amount of unfinished business from last year that people want to take up and address through legislation. It also, I think, may be a byproduct or unintended consequence or perhaps intended consequence of term limits wherein senators who before term limits came to fruition had the ability to spread out a personal legislative agenda over, sometimes, decades. And now with such a compressed timetable of, perhaps, only 4 years, 8 years at the most, people are going to, in many instances, I think, bring more bills because of that, that time certain limitation on their service. The other thing that I wanted to lift up, and I was sharing with some colleagues off the mic, is that due to the fact that we are a citizen Legislature and we each have such different professional and personal experiences that sometimes lends itself to an individual senator, perhaps bringing more bills. And let me give you a concrete example of that. As an attorney, I frequently work with members of the bar association, for example, that has a very diverse membership and a very robust legislative agenda. I frequently work with the law school, UNL law school, which is--

**DeBOER:** One minute.

**CONRAD:** --in my district and that-- thank you, Madam President-- that I'm a proud alumni of to help bring matters for law students and law professors. I frequently work with our UCC commissioners, our uniform law commissioners, who help to bring important legislation in regards to key legal issues forward. So just by being an attorney, and there's already fewer and fewer attorneys in our body, I typically will bring measures on behalf of those important stakeholders because of my experience and knowledge and expertise in regards to those legal issues. And I think that's important to be able to have thoughtful deliberative rulemaking, but it should not detract from my ability to bring forward constituent bills. And so I, I think that that's something that we have to be really thoughtful about as well. We also can't forget--

**DeBOER:** Time, Senator.

**CONRAD:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Conrad. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much, Madam President. Colleagues, I, I stand in opposition to the amendment. Again, I appreciate Senator Hansen and what he's trying to do. I think-- I think nuance matters here in terms

of our situation, in terms of the Legislature, relative to other legislatures. And I think that's important to also call out. You know, we, we have state legislators that are working year round. We have state legislatures that have both a house and the Senate, where an area-- geographic area might have 4, 3 different individuals representing a crossover legislatively at a state level. And each one of us representing 40,000 people, or 45,000 people, are the only individual representing that group of people "legislatively." And by capping or limiting the number of bills, we are constraining us more than pretty much any other legislature across the country. And bear in mind, also being one house, we are constraining ourselves far more than any other state house across the country in terms of being able to do our work on behalf of constituents. I agree that there are some bills that get introduced by people that I do or do not like, or in some of my colleagues' words that they believe they think won't get passed. That is not up to us as senators to limit bills because we think some bills that are introduced may not pass. Like, that rationale doesn't make logical sense. More importantly, it is not fair to the democratic process. Whether or not a bill is or is not likely to pass is determined through the iterative process of a hearing of amendments, of compromise, getting out of committee, getting on the floor, getting passed by the three levels. I've had bills that some people deemed not possible to pass, and it's taken me 6 years to pass and eventually did get passed in just this last year, in my seventh year that I introduced in my first 2 years. These were bills that I was able to introduce and work on over a period of time and reintroduce with amendments, reintroduced after compromise was done in a different biennium session. But in this scenario, by limiting us, if there is an idea that we want to work on for years and try to work on changing it, really not thinking about reintroducing the same bill if I'm capped on the number of bills to keep working on it, and I'm limited by being able to do that iterative process. We're limiting each and every one of us from being able to do that. That's why I'm really concerned that we are not thinking about those dire consequences of this, and instead are really hampering our ability to do the representative democracy of representing our constituents' interests. The other part that hasn't been said, or maybe I didn't hear, is on where the balance of influence comes from. There's nothing against the lobby. We work with the lobby on a lot of different issues, specifically organizations and instances. But this also makes who has more resources more likely to have more say. If I'm an organization or a lobby outside, I'm going to make sure that I get a hard confirmation--

**DeBOER:** One minute.

**VARGAS:** --from Senator, you know, Raybould or from Senator Riepe on a bill being introduced and that bill being introduced confirming that I'm one of their 15 for the session, because if I don't get a firm yes, I'm going to go to the next person that can do it, because my client absolutely needs this bill introduced and it has to happen. That means that for us, we're less likely to even say yes or confirm that we're going to take a bill. And it puts all of the power into the lobby versus our constituents that are bringing us issues that they're trying to solve that sometimes might not get to the lobby's eyes. This is about whether or not we can answer directly to our constituents and have enough of the tools available to make that determination individually. And, again, this is from somebody that has 15 bills this session. Some bills have had more. Some bills I've had less. But being able to make that determination based off of a short session where we have less capacity [INAUDIBLE].

**DeBOER:** Time, Senator.

**VARGAS:** Thank you.

**DeBOER:** Thank you, Senator Vargas. Senator John Cavanaugh, you're recognized, and this is your third opportunity.

**J. CAVANAUGH:** Thank you, Madam President. Well, colleagues, again, opposed to this idea in principle for a lot of the reasons I've articulated that it doesn't solve the problem that it states to solve and that it actually causes other problems. And I was sitting here thinking about this, and the word insidious came to mind. So, of course, that's a word that I think many of us are familiar with, but I just had to look up the definition: preceding in a gradual, subtle way, but with harmful effects. And I-- like I said, it came to mind and then I looked at the definition, and it seems very spot-on that a lot of folks look at this and say this is a small change, it's not going to make much of a difference. But what I'm telling you is down the line this becomes harmful and becomes more harmful. So it's sort of insidious, you know, sneaking in there and causing harm in a-- in a gradual, small way. So that's, I guess, the crux of my opposition here is, or what I'm trying to articulate to folks is that you're looking at this and thinking it's not going to-- it's not bad. You, you, you like the idea of not having as many hearings. You like the idea of shorter or less amount of work to bills to consider. But as I've said already, I don't think that will be the effect. And what will really



happen is it will harm our ability to bring good ideas forward, to work on ideas over a period of time, and it will hamper our ability to do some constituent service. And as Senator McKinney pointed out, you know, it will potentially lead to committee Chairs jamming a bunch of stuff into their-- into committee packages when they introduce those bills. And that reminded me of a bill we had in Natural Resources last year that was a pretty expansive bill. And I remember during this hearing, I was asking questions of the, you know, folks who came to testify in favor and opposed and there was one little section of the bill that no one knew what it did or had a comment on in favor or opposed. And I, I couldn't-- you know, through the normal process of having this hearing, you usually-- if there's something in a bill you don't understand, you get to learn about it because somebody that's come in favor of this bill or opposed to the bill has some expertise on it. That's kind of one of the points of the hearing. And I was unable to learn what the section did or, you know, what effect it would have. And that the reason that slipped by was everybody came about-- there's kind of, you know, some bigger section of the bill that people didn't like or did like, but ultimately there's was this part of the bill that could have had some consequence that we didn't-- we would not know what it did because it was part of a much larger package in that hearing. And that part didn't get sussed out, which then I don't know if, you know, when the bill would ultimately move, which I don't really think this bill did. We still might be standing here on the floor. We could be talking about it. And, you know, Senator McKinney could say, hey, I don't know what this is. And me as a committee member could not educate him about that despite that was my job. So that is one thing that happened in a bill where we don't even already have this problem. Right? We're not making these giant omnibus package bills for those hearings. We are making omnibus package bills, which is not a good thing to do either on the floor, but at least it's made up of disparate bills--

**DeBOER:** One minute.

**J. CAVANAUGH:** --smaller bills that were-- had their individual hearing, had their conversation before that. But when you put everything into one bill before the hearing, you're gonna have a long hearing. You're going to have parts of it are not going to get talked about. Things are going to get lost. And so we run the risk of passing laws that we don't have the opportunity or the ability to contemplate or understand what effect they're going to have. And that is a really bad idea. And we should be trying to structure this place in a way that will get us to the best laws we can pass. And sometimes that's

about putting out ideas that are not ready for prime time and talking about those and working on them over a number of years and to allow for that mistake process-- the process of making mistakes. You know, a lot of people want-- don't want to be seen making mistakes. They don't want to-- it's kind of embarrassing, I guess, to fail. But it should be a--

**DeBOER:** Time, Senator.

**J. CAVANAUGH:** Oh, thank you, Madam President. I don't think I got my minute.

**DeBOER:** Thank you, Senator John Cavanaugh. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. I did, distinctly, hear the one minute so you got your minute. Would Senator John Cavanaugh yield to a question?

**DeBOER:** Senator Cavanaugh, would you-- Senator John Cavanaugh, would you yield to a question?

**J. CAVANAUGH:** Yes.

**M. CAVANAUGH:** Do you want to continue making your point that you had?

**J. CAVANAUGH:** Oh, sure. I, I would apologize to the Chair, and I'm sure she did give me my minute. I was just on such a roll that I didn't hear her. Well, yes, my point that I appreciate the, the opportunity to speak some more on is that we should-- making mistakes is a good thing and we learn from them. And, and some of these smaller bills that are going to not get introduced, they get a hearing that maybe goes badly. You know, you get a lot of opposition. But a lot of-- a bill that draws out that kind of opposition gets those ideas out there, gets them discussed, gets an opportunity to refine those ideas so that they can become a good bill and a good law in the future. So that was kind of what I was getting at. And I think that this will-- this rule proposal will curtail the opportunity to refine ideas for future legislation as well. Every bill that gets introduced is not going to become a law this year, but every idea that gets introduced may someday become a law if we put the effort in and improve them. So that was my point. Thank you.

**M. CAVANAUGH:** Thank you. And you brought up a really interesting point about insidious. And that kind of stuck with me personally. I'm, I'm

feeling that very much about a lot of the rules that they are insidious, that we are chipping away and eroding our unique Unicameral. And it also seems that the arguments for doing it are primarily focused on doing less work. This job is hard, takes a lot of time and it's supposed to be hard. And when we are here, we are here. And we are here for the same amount of days, whether we introduce 1 bill or 100 bills. We are still here for the same amount of days. So it doesn't even make sense to limit the voice of our constituents in this way, because we're here for 90 days or we should be. We should be doing the people's work, and each of us was elected by people who wanted us to represent them. And we probably know better than the rest of everyone else how to represent our own constituents. I do not think that I know what is right for Senator Halloran's constituents as much as I know what is right for my constituents, and I would not presume to know. I do know for Senator Halloran's constituents, specifically, about a street and a speed limit, but that is because Senator Halloran has brought that bill to Transportation repeatedly. Oh, wait, was it Halloran or was it Erdman? It's Halloran. You brought the speed bill, right, speed limit? No. You're not going to give me a head shake?

**DeBOER:** One minute.

**M. CAVANAUGH:** I'm trying to get to the bottom of the speed limit bill. But the point is, is that we all are elected to represent people and to do it to the best of our abilities. And we shouldn't be limiting one another's ability to represent our constituents. And it does feel insidious to chip away at our abilities to represent our constituents, to limit our voice. And in this particular instance, we're not only limiting our voice, but we are giving more voice to the Governor. So I think that that is something that we should take very seriously and that is a-- of grave concern to me personally. Thank you, Madam President.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Hunt, you're recognized, and this is your third opportunity.

**HUNT:** Thank you, Madam President. I hate hearing myself. Since, since we started this session, since, like, a few days before, I have, like, lost my voice. Like, this is not what I sound like. I sound normal. This is weird. I have in the past introduced-- I think the most bills I introduced-- and I'm going to get a text from my staff or something-- like, I think the most I introduced was 28 and actually, actually none of those bills were frivolous. Last year I introduced a bunch of rule changes that were kind of frivolous, and there was,

like, a strategic reason for that. And everybody understood. And it was, like, just kind of understood that it was going to be that kind of session for strategic reasons. But I've never introduced a frivolous bill. And I know Senator Wayne once introduced 50 bills, and I was running the Urban Affairs Committee a lot that year because-- as Vice Chair because he was always, of course, in a hearing introducing another bill, and he worked every single one of those bills, or he would be direct and sit down at the hearing and say, you know, this is one I just want to have a conversation or this is one I think is not going to go anywhere but I had some things I wanted to discuss or this is from a constituent and I wanted to give them the opportunity to talk to us about it. And from his work on those 50 bills that year, we have a lot of great policy in place now because the space was made and the space was available in this system-- in this institution to have those conversations. And we are no worse for the wear, we are no worse for it. We're better for it. Under this rule change, of course, he could do the same exact thing. Nothing in this rule change would prevent him from doing the same exact thing. So by introducing or adopting this rule change, we're not lessening the burden on Revisors or Drafters. We're not lessening the burden on committees or committee Chairs or staff. We're shifting the burden. Instead of having 50 bills introduced, for example, by 1 introducer, which is an extreme example, very rare, it'll be, you know, 18 or whatever bills introduced that are full of a bazillion different topics that take just as much time in the hearing, or it'll end up being amendments. The bills will end up being introduced as in the form of amendments and that's not less work for Drafters or Revisors either. So the argument-- this-- you know, it's just half-baked. It's half-baked. It's not ready. There's a lot of constitutional questions about this. And I just don't-- I really don't see the need at all. But the year I introduced 28 bills, I think that's the most I've ever done, probably half of those were brought to me by constituents. I remember one day, one of them affected homeless youth, we were working with youth emergency services on a bill, and that was, like, probably to this day, one of the most gratifying experiences I've had in this body is when all of those kids came into my office. We were on the ninth floor then, up in the tower, and all these kids came to my office who are unhoused and they made me-- I'm going to, like, cry thinking about it. Oh my God, I never cry in here. Like, they made me this poster that was so sweet. And it was, like, you know, we love you Senator Hunt type of stuff. And, like, you know, they didn't know me. But we talked and we met. We had lunch. They knew that I was willing to introduce something for them that mattered to them. They all got their time to talk to their state

senators, you know, the highest lawmaking, elected officials in the entire state. And they were on the same level as every lobbyist, as every hotshot lawyer, as every, you know, business owner--

**DORN:** One minute.

**HUNT:** --and moneyed interest in the state for that afternoon as their voices were heard. And that was really, you know, I think-- I think hopefully someday I'm 90 and I'm in the home, and I'm still remembering warmly that hearing that we had and how much that meant to those kids. And that is the magic of the work we do here. This year I introduced 2 bills, and I didn't need a rule to tell me, Meg, you've done too much, introduce fewer bills. I've got 2 issues I want to bring forward, and otherwise I'm just working on carryover stuff from last year. I have-- all of us, it's not about me, all of us have the intelligence and the discernment and the trust of our constituents who elected us to know how much is too much, what we can handle. And the institution is already designed to accommodate it and it always has. This rule change is not necessary. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt. Senator Raybould, you're recognized to speak.

**RAYBOULD:** Thank you, Mr. President. Good morning, colleagues, and good morning, fellow Nebraskans out there watching us on TV. Again, we're debating more rule changes. And I want to recap, once again, what some of our state senators have said about why we're dealing with rules at this point in time. I know Senator Wishart was very profound and said very clearly, what problem are we trying to solve? And are these rules the right course of action at this point in time, and are there going to be any unanticipated consequences putting this forward? Senator McKinney has gotten up time and time again and saying why are we even here debating the rules? There's a lot more pressing issues. We just did a rules debate last year, and in the middle of this session, we changed the rules again. And here we are, back again, changing the rules. Senator Conrad talks about process. You know, how does this rule make us better as Nebraskans? Does it improve the lives of Nebraskans? Does it improve the Legislature? Does it make us better policymakers? So these are the questions that we continually have to ask about these rules. Why are we here? Is this rule of benefit to everyone? And I wanted to say, I listened to Senator Bostar's comments yesterday, maybe the right course of action is to look at how we have our committee structure, because that's where all the bills get funneled through to the committees. Maybe Health and Human Services

needs to have 4 days instead of 3 days, or Judiciary the same. Instead of 3 days they meet, they go 4 days because just of the volume of bills that comes through. This proposal is probably not going to change that. So, Mr. President, I would like to yield the rest of my time to Senator Conrad if she would like it.

**DORN:** Senator Conrad, you're yielded 3 minutes.

**CONRAD:** Thank you so much, Mr. President. Thank you so much, my friend Senator Raybould. I want to just continue the dialogue unbothered by the feigned outrage and frustration about the lack of time that this has taken-- put forward by some members because they knew that would be the outcome. And now they're frustrated that that's the outcome that was predictable and known to every single member. I also want to distinguish this measure from the measures that Senator Erdman has brought forward and that Speaker-- and Speaker Arch has brought forward. To their credit, they both brought forward their ideas in regards to rules very early in the process, they were subject to deliberation, to feedback, through the interim, and were a centerpiece of our legislative council meeting together and I, I don't-- it's 100% his right, of course, but I don't think Senator Hansen did that same sort of work in the interim period, which, you know, typically helps to have your measures that you're serious about move forward in a more efficient and effective manner. So I think that we are left with the only opportunity that we have to have some of these questions and dialogues in the context of floor debate after the Rules Committee decided to send this forward. I think that there are a host of legal policy and pragmatic issues with this measure. But at the heart of it, I think it's about control. And I think it's about restriction. And, and I disagree with that. I'm an individual state senator elected by my district to serve on behalf of my constituents in my state--

**DORN:** One minute.

**CONRAD:** --and it's not up to my [RECORDER MALFUNCTION] how to do my job. I see Senator Ben Hansen is involved in regards to some dialogue off the floor, so rather than asking him directly and I'll give him a chance to gather his thoughts, I'll put this out there rhetorically. As I understand it, from the present rule, he would have a limitation of 16 measures per individual senator. So what would stop me, Senator Hansen, from putting forward a shell bill to every single standing committee, of which there are 15, and then bringing copious white copies amendments to the hearings? Thank you, Mr. President. I look forward to the response.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

**DORN:** Thank you, Senator Conrad and Senator Raybould. Senator Hansen, you're recognized to speak.

**HANSEN:** Question.

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

**CLERK:** 30 ayes, 1 nay to place the house under call.

**DORN:** 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 Wayne, Senator Linehan, Senator McDonnell, Senator Brewer, Senator Hunt, Senator Moser, Senator Bostar, Senator Armendariz, the house is under call. Please return to the Chamber and record your presence. Senator Brewer, Senator Hunt, Senator Moser, Senator Bostar, Senator Armendariz, the house is under call. Please return to their Chamber and record your presence. Senator-- all unexcused members are now present. Senator Hansen, a vote was open to cease debate. Would you accept call-in votes?

**HANSEN:** Yeah.

**DORN:** We are now accepting call-in votes. Oh, on the motion to cease debate.

**CLERK:** Senator Moser voting yes. Senator Halloran voting yes. Senator Armendariz voting yes. Senator Linehan voting yes. Senator Dover voting yes. Senator Brewer voting yes. Senator McDonnell voting yes. Senator Day voting no. Senator Brandt voting yes.

**DORN:** Record, Mr. Clerk.

**CLERK:** 31 ayes, 7 nays to cease debate, Mr. President.

**DORN:** Debate does cease. Senator Hansen, you're recognized to close.

**HANSEN:** I appreciate the vote there, colleagues. And so, again, this is the amendment to increase it from the original part of 14 bills to

16 and then 8 committee bills to 10, and then removing the part that had to do with 2 priority bills if you keep it below 5. So with that, I would appreciate a green vote on the amendment. Thank you, Mr. President.

**DORN:** Colleagues, the question before the body is the passage of amendment brought by Senator Hansen on proposed Rule change 29, Rule 5, Section 4, and Rule 5, Section 5. All those in favor vote aye; all those opposed vote nay. Request for a roll call vote.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bosh voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting, voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting no. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart. Vote is 32 ayes, 9 nays, Mr. President, on adoption of the amendment.

**DORN:** The motion is adopted. Mr. Clerk. I raise the call.

**CLERK:** Mr. President, next item. Senator John Cavanaugh would move to reconsider the vote just taken on the Hansen amendment.

**DORN:** Senator John Cavanaugh, you are recognized to open.

**J. CAVANAUGH:** Thank you, Mr. President. Oh, colleagues, I appreciate everybody being here while I'm talking. So I might just revisit the points I've made, because I know a lot of folks have been otherwise disposed. So the argument for this bill or this rule change is that we need to decrease the number of bills that are being introduced. We



have too many bills at 1,411 this year. And I did the math for you all at the beginning of the day, but I'll do it again now. With this proposal, 16 bills per senator, 49 senators is 784 bills per year, which is 1,568 bills per biennium, just with the senator bills. And that-- for those of you who maybe aren't so strong at math, that's more than 1,411. And then you get into the committee bills, which there are, if you're counting, 14 standing committees we'll say, times 10 is 140 additional bills per year, for 280 more bills per biennium. Which gets you to about 1848 bills, which is, again, more than 1,411. So the stated purpose of this proposal is to decrease the number of bills. It creates an environment, however, in which the incentive will be there to introduce even more bills. Because if someone has bills that they need to get introduced, they're going to-- they're, they're going to go to someone else and ask them to introduce them for them. And-- I apologize to Senator von Gillern, because he explained it to me earlier and I can't remember the name of the word, but it was about how gas fills the volume of any space, any, any container. And it's the same idea here, where the bills introduced will fill the volume of the space. Everyone will be encouraged, cajoled, begged to introduce up to their 15. Because right now, those of you who-- you know, many of us say, I'm full. I can't take any more. Right? I've got all the bills I'm going to carry this year, which, now we're past introduction. But that's a thing we say, and some of us have the bandwidth to carry more bills than others. You know, I carried 29 last year. Senator Bostar, I think I heard is 34 this year. Senator McDonnell has carried a lot last couple years, Senator McKinney, Senator Wayne. I have 15 this year, and that's about where I wanted to be. But there are other folks who say, I'm full at 9. That's my bandwidth. But when the limit is 15, everyone knows you're not full until you're at-- or I'm sorry, 16. Everyone knows you're not full until you're at 16. And we've all heard it, you know, put in the bill, I'll do the work. I'll write the statement for you. I'll get the witnesses, you know, everything. And so what I'm saying is this will not have the effect-- the intended effect. So if that's what you're telling yourself, you want to vote for this, that, that if we adopt this rule, there will be fewer than 1,411 bills in the next biennium, that is simply not going to be true. Then there's the problem of these 10 committee bills. And Senator McKinney correctly pointed out that the incentive there will be to put a bunch of things into that. And I talked about my one specific experience with a bill that had too much in it. And some of the things in that bill did not get explained, despite my effort, in that hearing, to ask folks about what that particular section did. And no one was there to testify on that about

that part and so it didn't get addressed. No one had something to say about it. And when you put a bunch of things into a bill, that's what's going to happen. You're going to run into-- we're going to make some change in law that we do not fully understand or do not understand at all, because we haven't taken the time to analyze it on its own basis. And that would be a travesty, right, if we slipped things into law. Someone was just telling me about the book, *The Power Broker*, by Robert Caro, about oh, what's the name, the-- well, the guy in New York, Robert Moses. It's about-- it's a book about Robert Moses and how Robert Moses' first big act to ri-- in his rise to power was slipping in a word into a bill that allowed him, as the parks director for the Long Island parks, to seize people's land, because the word he put in there was appropriate. And the word appropriate, most people thought means, you know, to appropriate money. But there was a buried definition in the rest of this New York state statute that said appropriate means to take without their consent, so sort of a form of eminent domain but with even less oversight. And because that did not get sussed out, that got passed into law. And then Robert Moses was able to take people's property to build these parks that he wanted to build. And so, that's the type of thing we run the risk of doing, when we make giant bills coming into hearings. You know, I talked about this earlier, putting bills together on the floor, Christmas tree bills, is a disfavored practice. But at least the bills that get put into that Christmas tree had their own hearing, had their own conversation, had their own analysis. And that is more-- that is a better situation than putting a large bill together-- a bunch of large bills together into hearings and that they do not get analyzed thoroughly. So that is the other problem with this proposal. So going to actually increase the number of bills, going to increase the complexity of the bills. It's going to have that kind of perverse incentive. But the other-- the real reason I am opposed to it is, as I discussed earlier, with the insidious nature of this proposal, which is that it erodes the power and authority of the individual senators to bring ideas forward, to make their own individualized determination about what ideas are worth their time and effort to bring to the floor of the Legislature, or bring to the committee for a hearing, to bring for conversation, to represent the interests and desires of their constituents. And it has an effect of silencing minority voices or smaller voices, voices or ideas that have a smaller constituency or interest. And that is a, is a bad idea, as well. And it has the effect of reinforcing the idea that everything's OK, everything's hunky dory. Right? There are those of us who bring a lot of bills because we look at the state. We talk to our constituents and we say-- we hear

problems. And a bill is brought to address a problem. Right. It's a, it's a proposed solution to an identified problem. And this will-- this essentially, by saying we need fewer bills, is essentially saying-- turning a blind eye to problems, turning up-- saying I think everything's fine. We don't need to address so many problems. Status quo was OK. And the status quo-- if the status quo works for you, sure. But there are lots of Nebraskans out there who are asking us to address some specific problem for them. And those problems will go unaddressed because we have an artificial ceiling on the number of problems that each individual senator can address. So that is, I think, an insidious aspect of this rule proposal, and that it will have that effect of, of stifling conversation, stifling ideas, stifling debate, and artificially representing to people that we care less about their issue, because it's not one of the ones that met my, you know, your standard to be your 15 introduced. So this, I'm opposed to this idea in principle because I don't think we should, we should artificially make that determination. Every senator needs to make their own determination of how much bandwidth they have for ideas, how much, how much they can learn, how much they can articulate about ideas. This year, Senator Bostar, I think, has the prize for the most bandwidth. But that, that is an individual senator's decision of how much work they want to put in for their constituents. But the other-- another reason that I have opposed this and I talked about earlier is that in our rules, Rule 5, Section 4(c), is that bills-- (c), it's (c) (1), bills that can be introduced after the 10 days include--

**DORN:** One minute.

**J. CAVANAUGH:** --bills introduced-- thank you, Mr. President-- bills introduced at the request of the Governor at any time. We are putting a limit on ourselves in this body. We're saying, you're in the Legislature. You only get 16 bills. But if you're the Governor, unlimited bills at any time. We are ceding our authority as a individual, co-equal branch of the government of the state of Nebraska. And that is a really bad idea. We need to stand up in-- and in our power, take our power and use it the way we think best, as individual senators and as a body. But we need not to hamstring ourselves in our role of oversight and adversary when necessary, to the other parts of this government. That is one of our major responsibilities. So there are a lot of problems with this rule. There are a lot of-- thank you, Mr. President.

**DORN:** Thank you, Senator John Cavanaugh. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. And it's still good mornings. Good day, colleagues. I rise in support of my friend Senator John Cavanaugh's motion to reconsider. And we'll continue the dialogue that we have been engaged in this morning about this arbitrary and unnecessary limitation of power on individual senators. We've talked about some of the legal issues involved herewith, we've talked about some of the policy issues involved herewith, and then some of the pragmatic concerns about how this would apply in the short-term or moving forward, which I, I definitely want to reaffirm and reiterate. I've also heard from my friends who are working on some of these proposed rules changes, that they just want an up or down vote. They just want an up or down vote for accountability purposes. Well, you just had it. You just had it. You got your folks on the board to show whether or not they support the measure. So if, in fact, that is your intention, you can end this right now by withdrawing the proposal. You have your accountability vote. It was on the board a few moments ago. If that was your goal, rather than an arbitrary limitation of power and control over your fellow colleagues, with-- I call your bluff. Withdraw your measure. You have your accountability vote, or was that not, in fact, the case? The true intention was to exert power and control over your colleagues, and that's why you're willing to push it till adjournment. And I see no one's making eye contact, so that tells me a lot of what I need to know about this and what is underlying this. We have a single subject rule in Nebraska that applies not only to legislation, but to lawmaking, initiated by the people through our power of initiative and referendum. There are a series of court cases that are very challenging to follow in terms of uniformity emanating from our Supreme Court about when and how that applies. There are fewer instances, there's less jurisprudence in regards to perhaps how this applies within the context of the legislative proposals. But there is, of course, a measure working its way through the courts now, on, on the Supreme Court's docket, examining the application of our limitation in regards to the single subject rule, as applied to the, the measure that was combined last year, LB574 and LB626. A measure that, mind you, combine two of the most contentious issues of the session that were completely disparate with separate, separate introductions, separate hearing dates, separate committee statements, separate minority reports, separate areas of statute that were combined for no other purpose than just curry votes. And that was clearly indicated in news stories as that proposal was working its way through the Legislature. And I guess if there is a bright side, if this rule is in fact applied, which I do not believe it will be, I

think we'll settle in, folks, and we'll keep talking about it. But thus far, the lower--

**DORN:** One minute.

**CONRAD:** --court rulings-- thank you, Mr. President-- looking at the Legislature's approach to LB574 and LB626, and as defended by our Attorney General, so that there's really no meaning to the single subject rule in the Nebraska Legislature anymore and, and that courts and citizens shouldn't look carefully and seriously at the restrictions contained in the Nebraska Constitution. So that being said, if the Supreme Court agrees with that, what I believe to be misguided logic, it will just enable us to bring forward as many Christmas tree or omnibus, omnibus bills as possible, or even shell bills to fill later. All of that is unnecessary and a disservice to the institution, to the citizens, to transparency and to engagement. This is an arbitrary restriction on my speech and my ability to serve. This is--

**DORN:** Time.

**CONRAD:** --an effort to exert control by my colleagues, and I will oppose it. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you very much, President. Colleagues, rise in support of the reconsideration motion and against the underlying motion, for again, for many different reasons. Another reason I didn't get to speak about it last time was if our concern is about capacity of committees, if our concern is about the capacity to be able to have bills that are referenced-- too many bills are referenced to Judiciary or to these others, we've had some legislative solutions or rule solutions with the different committee structure that are sometimes unpopular with consolidation, that is consolidating or making sort of less, more limited government, but doesn't take away the democratic process of being able to introduce a bill on behalf of a group of people or an individual. And in that ability, that's a much more concerted effort to try to reduce redundancy or make government more small. This is not doing that. And this is, if there is an idea and I mentioned this before, I've had bills that I've introduced in my first year or second year where then and after that biennium, I worked on that bill through a interim hearing process, reintroduced a bill in my

third year. And then, because it didn't have a priority, didn't get passed until either the fourth and sometimes, had to reintroduce the same bill in my fifth year. And it wasn't because the bill wasn't supported. The bill was supported out of committee. There wasn't a vehicle for passing it, in terms of attaching it to a bill. But that means that that bill every single year is basically taking up 1 slot of 15 or 16 bills of what I currently have. It means that there's one less thing that I could potentially work on. Which instead, in my first year, I did-- had less than 20 bills. This year, I have less than 20 bills. I think I have 15 bills. We're basically self-regulating now, dependent on how many-- both my internal capacity, the types of situations and bills I'm working on. I've gotten a lot of things passed this last year, and it's working out itself. Keep in mind, there's also committee chairs and committee process that will make sure that bad bills, if that's the issue, bills that you know we're talking about maybe, you know, license plate bills. If the concern is that those bills are-- you don't support them, you don't think they should be introduced, they're not really solving an issue, that bill gets solved through the process of getting out of committee, or the bill gets IPPed or it doesn't get enough support. That's the process. Instead, what we're doing is creating a lot of bottlenecks here, bottlenecks where we're basically treating a 60- and 90-day session the same in terms of the maximum number of bills. Doesn't make pragmatic sense, because we're really making 60-day sessions extremely much more difficult if we're really limiting that amount in a 60-day session and a 90-day session. We're making the 90-day session that much harder for individuals. I mentioned this previously, the other issue I have with this is this is also makes it much more difficult for us to commit to bills when we're working with different organizations, because we have a limited number that we can introduce. There will no longer be a time where if there's a exigent reason, urgent reason, to bring a bill in the-- in basically, like not last minute, but in short notice, I can think of a bill that was recently introduced that was going to be sort of a, a fix to a committee that was brought by an agency. That bill was introduced at the last like, day. And it was drafted on the morning of the last day of bill introduction. And that was from an agency, and it was a cleanup language. So we would be capped. If everybody was capped, we couldn't introduce that bill. And in fact, what we'd have to do if it was really--

**DORN:** One minute.

**VARGAS:** --exigent for us to do that, we would have to suspend the rules to allow that bill introduction, which means we're getting back to changing our rules to be able to solve an issue. Or we would add that as an amendment in committee or on the floor, and that bill wouldn't have had a hearing. We're trying to make sure that bills and ideas and the single subject rule, that they have hearings and they have the process democratically. This is not about whether or not we should agree or disagree with what the bill's subject matter is. If somebody wants to introduce 50 bills right now that I don't agree with or I don't like, I'm not opposed to that, because I think the process will allow and the public has the ability to engage on those bills. But by setting a maximum, unintended consequences of capacity, unintended consequences of voice of the democratic process, on more issues coming to actually being on the floor here within the single subject rule, divisible legislation, things being much more debated, not on the--

**DORN:** Time.

**VARGAS:** --substance of the bill-- thank you.

**DORN:** Thank you, Senator Vargas. Senator Machaela Cavanaugh, you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. I first just want to say my friend, Jane's mother, just passed away this morning. And sending her love and light. And may Marcia Lucille's [PHONETIC] memory be a blessing to you and your family. So clearly there's opposition to this. And as I had stated previously, if this passes, this is not the end of this conversation. This is the beginning of how the tone for 2025 is going to go, because that Legislature, the One Hundred Ninth Legislature, is not going to allow the One Hundred Eighth Legislature, a third of whom will not be there, to bind their hands and silence the voice of their constituents. These will be fought on day 1, before we do anything else, before we elect any committee chairs, we're going to set the tone that we're going to fight adopting temporary rules. And we only have 10 days to introduce bills. So this is going to be a real hot mess, come January 2025, if this is to be adopted. And I don't think any of us want that for the Legislature or for the people of Nebraska. I think we all can agree that we want to do the work. And we've already wasted however many days we've been debating rules. We've wasted those days in this legislative session, when we could be doing the work of the people of Nebraska. Please, colleagues, let's not waste time a year from now, as well, because this is just-- it

just doesn't make sense. It does not make sense to limit the voice of the people of Nebraska. That is not what we are supposed to be doing. That's not what we're supposed to be about. It is inconvenient when there is a large number of bills introduced. Absolutely. Absolutely. But it's still our job. Whether it's tedious or not, it is still our job. And I really hope that everyone here will reconsider taking away the voice of your own constituents. They are not going to look kindly upon this, nor should they. And the One Hundred Ninth Legislature is who this is going to impact. This does not impact us this year. So when a third of you are gone next year and depending on elections, more or less, I don't know. But when a third of you, for certain, will not be here next year, you are handing the One Hundred Ninth Legislature, day 1, a contentious session. And I don't think that that's fair. I don't think that that's fair. You shouldn't be doing that. If you're not going to be here next year, you shouldn't be voting to saddle the next Legislature--

**DORN:** One minute.

**M. CAVANAUGH:** --with this, because you are annoyed by the number of bills that people bring. You're not going to be here, so why does it matter to you? You don't have to sit through committee hearings. You don't have to do the work anymore. You're term-limited out. You're not going to be here. So why are you going to saddle the One Hundred Ninth Legislature with this rule, knowing full well that it will be a fight on day 1? Please don't do that. That's not fair. Thank you, Mr. President.

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

**ERDMAN:** Question.

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

**CLERK:** 25 ayes, 2 nays to place the house under call.

**DORN:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chambers, please return to the Chamber and record your presence. All unauthorized personnel, please



leave the floor. The house is under call. The house is under call. Senators, please-- all unexcused senators outside the Chamber, please return to the Chamber and record your presence. Senator Day, Senator Albrecht, Senator Fredrickson, Senator Armendariz, Senator Moser, Senator Hunt, Senator Arch, Senator Aguilar, the house is under call. Please return to the Chamber. Senator Day, Senator Fredrickson, Senator Armendariz, Senator Moser, Senator Hunt, Senator Aguilar, please return to the Chamber. The house is under call. Senator Day, Senator Fredrickson, Senator Moser, Senator Hunt, the house is under call. Please return to the Chamber. Senator Erdman, we are lacking Senator Day, Senator Moser, Senator Hunt. Would you like to proceed? Senator Erdman, our vote was open to cease debate. Would you accept call-ins? We are now accepting call-in votes.

**CLERK:** Senator Armendariz voting yes. Senator Aguilar voting yes.

**DORN:** Record, Mr. Clerk.

**CLERK:** 26 ayes, 6 nays to cease debate.

**DORN:** Debate does cease. Senator John Cavanaugh, you're recognized to close.

**J. CAVANAUGH:** Thank you, Mr. President. So, colleagues. Oh, we're still under call so you'll have to listen to me. This is great. OK. So now that everybody's forced to be here to listen to me, I'll just go over my points again. One, is that if you do the math, this will actually result in more bills being introduced. So if your goal is to decrease the number of bills being introduced every biennium, this will not achieve it. So don't vote for it thinking that's what's going to happen. The other is that this will cause larger, package bills that will not be properly considered to be introduced. And I've already told you the example twice about a hearing we had where nobody talked on one particular point, and that would be really bad if we start passing laws that are not thoroughly discussed. It's already bad enough that we, we passed package bills that have Christmas tree bills together. But all those individual bills have had a hearing and some kind of conversation at some point and, and made it out of committee. So that is less bad but still disfavored. And my next point is that it will silence the minority. It will silence some of your constituents. It will put pressure on people to not bring innovative ideas, not bring ideas that need some work. Because, of course, we know the 1,400 bills that have been introduced, not all of them are going to pass and become law, but many of them are ideas that need to be discussed, need

to be sussed out, need to be worked on so that we can pass them in the future. So we need that opportunity, as well, for innovation, for mistakes, for work, for learning and for growth on these bills, before they become a law. So it'll have-- stifle that. It'll stop people from being able to bring constituent service bills. And that's bad, too. And the other point is that the Governor has the ability to bring, special exception in our rules, to bring up bills after the 10th day, and there's no limit on the Governor's bills. So this is handcuffing ourselves, saying, if you're a senator, you have less authority to introduce bills than the Governor. And the Governor's not a member of this body. He's not supposed to be able to influence us. You know, the Governor came and talked yesterday and presented his budget bills. And that, in and of itself, is already, you know, a little bit of an injection into our process, into our purview. We are a separate, co-equal branch of government set out in the constitution, that has the responsibility and obligation to write the laws, pass legislation for this state. And by limiting the number of bills an individual senator can bring and not limiting the number of bills that the Governor can bring, we are upsetting the balance of that power and ceding the legislative authority more towards the Governor than we have in the past. And, and that is a big mistake, because one of our objectives here, aside from legislating, is having that oversight and authority and holding accountable the Governor and the other branches of government. And so if we pass this, we will be reducing our power and our standing as it is, as a co-equal branch of government, as opposed to the other branches of government. We see the other branches of government extending or reaching out, giving themselves more power and more authority. And we continue to be, I guess, lackadaisical in preserving our own power and authority.

**DORN:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. You know, there's-- I've concerns about us not forcefully asserting our right at oversight under the OIG. I think that this is another sort of erosion in the-- our ability to stand up and be our own branch. And that is a huge disservice to the state of Nebraska, if the Legislature is the body that is most closely tied to the people. You have 41,000 constituents, 41,000 people in your district. The Governor is the whole state. We have a responsibility to make sure that the Legislature can do all of its work, is not artificially hamstringing ourselves. This rule will not achieve the decrease in bills and it'll have numerous ill effects. So I encourage you all to reconsider your votes and to vote against

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

this proposal. And I-- so I guess I would encourage your green vote on the motion to reconsider. Thank you, Mr. President.

**DORN:** Thank you, Senator John Cavanaugh. The question before the body is a reconsideration of the Hansen amendment. All those in favor vote aye; all those opposed vote nay. A roll call vote has been requested.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bosn voting no. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Senator Dungan voting yes. Senator Fredrickson voting yes. Vote is 16 ayes, 30 nays, Mr. President, on the motion to reconsider.

**DORN:** The motion to reconsider fails. Mr. Clerk for items. Raise the call.

**CLERK:** Mr. President, some items. Amendments to be printed from Senator Linehan to LB860. Concerning proposed Rule change number 29, Senator Conrad would move to recommit the rules change to the Rules Committee.

**DORN:** Senator Conrad, you are recognized to open on the motion.

**CONRAD:** Thank you, Mr. President. And good day, colleagues. Just to be clear about where we are and one of the kind of key reflections that I had moving into the rules debate this year, was to look for process improvements and efficiency, work in good faith with my colleagues to find and address those whenever we could, to reset tone, to lean into

relationships, to repair the damage from last year, and to embrace learning opportunities that come with a vigorous rules debate. So that being said, I think those are still the goals that I personally have in mind as we work through these different proposals. But I also want to, in the spirit of embracing the learning opportunity, be, be really, really clear with my colleagues who maybe haven't been through this before. I want to be really clear so that they understand what's going on here. And I, I think everybody already knows this, but perhaps folks watch-- watching at home don't, and so this might help to clear things up a little bit. So we, we know that there is no cloture available in a rules fight, right, for a variety of different reasons. Number one, basic fairness, to ensure that we're not changing the rules arbitrarily in the middle of the game, so to speak, because there's an inherent unfairness to that, there's an inherent arbitrariness to that. So that's why you're not seeing cloture motions come up. It's not available in this regard. So the only way to stop a rules debate and you may have seen when you were watching the Legislature or perhaps you were here, there was a protracted debate in regards to rules themselves. I think it spanned almost 60 days or something to that effect, back in 2017. It was because of these features of the rules themselves. So the rules debate and changes are not subject to cloture like other measures are, where a supermajority can stop the clock, stop debate, invoke that extraordinary measure in our only deliberative body, to effectuate the will of the majority after the minority voice had been recorded. That, that option is not present in a rules debate. So the only alternative that those who seek to end debate in a rules debate have available to them is, in fact, a motion to suspend the rules. And I know that those motions have been file-- filed protectively on this and other measures. I know other senators who are, you know, very itchy, very interested in moving forward this debate as, as quickly as possible in our remaining hours for the rules debate, that the Speaker had clearly set forward a clear timeline for, headed into the session. And, and now that we're fast approaching, the only way that you can stop the rules debate is with a successful motion to suspend. And I know it's hard to tell because you can't look at your viewer like we do for legislative measures. So that's why there's been a lot of folks running back and forth to the dais to make sure that we understand the, the order and the priority in terms of what's filed. But let me just be clear, colleagues, so it's clear to folks at home and clear to everybody in here. There are enough substantive and procedural things filed in the right motion on this measure to prevent a suspension of the rules before our clock ticks at adjournment at 2:00. That's it. Period. So no matter how

angry that makes you or how frustrated that makes you, that's a fact. So your only decision at this point is to decide whether or not you want to continue to listen to substantive debate for the next couple of hours on this measure. There will not be a vote on this measure. It will not be effectuated. And every minute that you dig in and push it, you're not going to get to the other things on the agenda that you purport, purport are important to you and to your constituents and colleagues. So that's what's going on here. And I ask you very carefully to think very deeply. About the hard work that we've engaged in over the interim to reset relations, to build relationships, to work in good faith, and think about how pushing this measure at all costs, without any deliberative work leading up to the rules hearing and pushing it out onto the floor today, how does that reset relations? How does that help us to foster good faith compromise in this arena for our important work to come? And let me be clear about who I am and how I roll. No matter the outcome of this debate or any debate, I'm going to still look for the best in each one of my colleagues. I'm going to still find things that we can work together on enthusiastically and wholeheartedly at every juncture. I'm going to approach my work with joy in recognition of the honor that it is to serve here and to be a part of this special process. But I will not subscribe to my colleagues telling me how to serve my constituents. You can tell me your opinions. You can tell me your ideas. You can tell me whether or not you think my ideas are good or bad in terms of strategy or substance, but you can't tell me how to represent my constituents. You just don't have that right. And you know what? I worked really, really hard over the interim. And I know everybody in this body did to put together a thoughtful personal legislative agenda. But I talked with a lot of stakeholders about and you know what? It ended up being a significant amount of bills. But you know what? I've always been a prolific senator. And as the second senior most member of this body, I have the experience and discernment, along with experienced legislative staff, to manage a broader load in terms of my personal legislative agenda and remain an enthusiastic and energetic committee members on my committees of jurisdiction. For those of you that haven't served with me on a committee, ask my colleagues that do. I, I don't miss meetings. I engage enthusiastically in my committee work, whether it's in public hearing or in executive session or private deliberations and informal dialogue. I'm able to manage a robust personal legislative agenda and my other responsibilities as a senator, and so are a lot of other senators who bring a lot of bills. My friend Senator McDonnell, my friend Senator Bostar. I ask you, have you done the hard work? Have

you looked at senators who bring forward a lot of bills to say what's frivolous there? Because it's not frivolous to my constituents. It's not frivolous to stakeholders who asked me in good faith to bring those measures forward. It's important to them. If you deem it frivolous, you can vote it down in committee. You can vote it down on the floor, but you don't get to silence the voice of your colleagues and the people who only have one deliberative body to conduct their work in this state, and are doing it in good faith. As we've always had this ability to do, at least during my tenure here, I understand there was a small period where there was a bill limitation that quickly was discarded, because it was unworkable for policy, legal and pragmatic perspectives. But I don't know why we-- on earth would not heed that lesson of history, that cautionary tale, and carry it forward into the present time. But rather it seems very strange to me that we would double down on a practice and policy that proved unworkable--

**DORN:** One minute.

**CONRAD:** --in this body. Thank you, Mr. President. The last thing that I will note in regards to this issue, and I want you to think very deeply here, colleagues, I share Senator Ben Hansen's libertarian streak and ideas in terms of how he approaches his work. I think that we actually have a lot in common there. But I-- and I posed this question to Senator Hansen off the mic. You do know that bills can and should restrain government, right? That's an important part of our work to effectuate that very ideology, the ideology to restrain government. And I agree, big government needs a lot of checks. It isn't as simple as the number of bills, when in fact, those ideologies may be effectuated--

**DORN:** Time.

**CONRAD:** --with more bills. Thank you, Mr. President.

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

**WAYNE:** Thank you, Mr. President. So my first year, obviously, I introduced a lot of bills, like 50, a couple of years in a row. This year, I think I'm down to, like 20-something, which to me is not a lot of bills. And so, let me tell you that the reason why I have different bills and, and I'm really talking to, I would say, my conservative friends who are, are worried about big government and how we do our

bills. The reason I had so many bills was I was trying to make sure bills went to the committees of jurisdiction. And this actually came up yesterday with Senator Bostar's bill in Rev-- in Exec session. And this is what I'm saying. If you don't have a lot, if you don't, if you limit the bills, this is what's going to happen more and more and more, is you're going to have committees that don't have jurisdiction getting bills. So Senator Bostar has a bill that's a tax credit bill. But in it he is trying to change how certificated officers and create a limited certificated officer because he wants more people to be a part of this tax benefit program. The problem is that's a Revenue bill, but by having a new type of police license, that is a Judiciary bill. And so you're going to have a constant fight back and forth of re-referencing, more so than you do right now on where bills go. I actually conceded Bostar's, wants to stay in Revenue, and part of it's because there'll be a Revenue bill that has a package. And that tax credit will probably be-- a tax credit program will fit better in a tax package from Revenue. So me and him are going to work on, work on getting rid of the language around this new certificated officer, a limited certificate for a officer that the Crime Commission produces, because there's an ongoing historical issue around those certificates, that predates me. But there's plenty of knowledge in the Judiciary Committee of-- from staff and previous things of, of that longstanding history. So if you start combining bills, you're going to start running into that. I mean, you were upset that we had complicated bills that had a lot of bills in a bill last year on the floor. It's only going to get worse. That's what you're going to have, literally-- like, for example, I may do a tax credit on an inland port. I dropped that bill. Does that go to Urban Affairs or does that go to Revenue? Now, I will submit I'm not changing the program of an inland port, so it should go to Revenue. But there is a separate bill, that Senator McKinney introduced, that deals with the inland port and the changes. So to Senator Cavanaugh's point, John Cavanaugh's point, you're actually going to have more bills. Because if I want to make sure it goes to the right jurisdiction, I'm going to say, Senator Erdman, will you drop this bill since you're under yours? I'll do all the work on it, but I need it to go to the right committee, because that's the right jurisdiction it should go to. So what you're going to have is you're going to have 5 or 6 bills combined into one, dealing with an entire program instead of breaking it out. That should be done, for example. Another example is TEEOSA formula. Historically, you would separate out the education side from the taxing side. But if you start limiting the number of bills, you're going to have one bill that could either go to Education, maybe Government, or to Revenue. And Revenue

Committee should not truly be dealing with education policy or what's going to happen is you're going to run into the appropriation situation that I've seen every year down here--

**DORN:** One minute.

**WAYNE:** --where you're going to have a big floor fight on what the committees are putting out, because they're not experts in that area. They're not seeing the whole picture of education bills that are there. And what happens is once that bill is in Revenue, you can't attach it to a Judiciary bill. So now we're stuck. So from-- it's the prudent thing is to separate your bills and make sure they go to the right committees. That's why I'm against this bill. I do have an amendment we won't get to that will allow certain districts who have high poverty to inter-- be able to introduce more bills, since theoretically, they're dealing with more issues. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. I agree with Senator Wayne. So yes, I stand in support of the motion to recommit to committee. I think we have, in the course of this conversation, pointed out, I think, a lot of concerns with this rule that maybe bear further analysis, conversation at the committee level. So I support the motion. I did want to revisit my conversation as Senator Wayne was just talking about that it will result in more bills being introduced. We could go back and do the math over again. 16 times 49 is 784, times 2 is 1,568. That's the number of individual bills that would be allowed under the rule. And I believe that under Boyle's law, as Senator von Gillern taught me is the title, and he was very kind to share it with me, that the number of bills will fill the available space. If you put a constraint on it, it'll fill the available space. So Boyle's law states-- it's the empirical relation formula by physicist Robert Boyle in 1662, states that pressure,  $P$ , of a given quantity of gas varies inversely with its volume,  $V$ , at constant temperature. So the equation is  $PV = k$  at constant. It's basically saying that the gas is going to expand, be less dense, have less pressure on it in a larger volume or a larger vessel. So we're creating a vessel by putting a constraint on this. Therefore, the number of bills that was introduced will fill that vessel, being the limit. So by putting this limit on here, it's going to have the opposite effect that [INAUDIBLE] to the stated intention which is to



decrease the number of bills. So that's, I think, one of the best arguments if, if you are in favor of this idea of fewer bills being introduced. This will not achieve that goal. So let's recommit it to committee and make sure that we have a conversation. If that's your real goal is to find a way to get fewer bills introduced, you can have that conversation and find a different solution. Because this is not that solution. And again, there is the problem of these bigger, more complicated bills being introduced. And I was seeing I know, Senator Conrad, I think it's read part of the Constitution before. And I was just sitting here reading the Constitution and it's, you know, it says, that every bill and resolution shall be read by title and introduced and printed copy thereof provided for the use of each member. The bill and amendments thereto shall be printed and presented before the vote is taken upon its final passage, and it shall be read at large, unless 3/5 of all members elected by the Legislature vote not to read the bill and all amendments at large. And that last part about not reading it at large was added because we were getting bigger and bigger bills. So we're-- I'll let Senator Lowe explain what he just said. That was pretty funny. Some politicians are full of hot air. Something like that. But the, the point of this amendment to the constitution, Section 14, is to say that votes should be taken on discrete issues, like this reason for single subject, the reason for not-- that we disfavor creating giant packages is so your constituents will know what you voted for and why you voted for that, and not that you-- you can't hide behind another vote. And say, I voted for this bill because it had a thing you like in it, even though it has something you dislike in it. You know, I think they call that log rolling. It's another example of that. But it, it not only, if we start getting down this path of larger bills--

**DORN:** One minute.

**J. CAVANAUGH:** --that have a lot of different matter in it, we're-- things are going to get lost, we're not going to have as robust a conversation on each individual issue, and there will be things in there that some people might feel like they need to vote for because they're in favor of one part of it, even though they're opposed to another part of it. And our constituents are going to be essentially disserved by that nature of that-- putting those votes together. So again, I support the motion to recommit, and I'm opposed to the underlying rule change proposal. Thank you, Mr. President.

**DORN:** Thank you, Senator John Cavanaugh. Senator Hansen, you're recognized to speak.

**HANSEN:** Question.

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

**CLERK:** 26 ayes, 6 nays, Mr. President, on the call of the house.

**DORN:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chambers, please return to the Chamber and record your present. All-- presence. All unauthorized personnel, please leave the floor. The house is under call.

**KELLY:** Senators Wishart, Dover, Bostar, Brewer and Hunt, please return to the Chamber. The house is under call. Senators Dover and Hunt, please return to the Chamber. The house is under call. All unexcused members are present. The question is, shall debate cease on the recommit? Roll call vote has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 30 ayes, 13 nays, Mr. President to cease debate.

**KELLY:** Debate does cease. Senator Conrad, you're recognized to close.

**CONRAD:** Thank you, Mr. President. And good afternoon, colleagues. OK. We've officially passed the, the, the noon time. So, colleagues, this is a serious motion to recommit. I, I think this proposal is not ready for prime time and should be subject to additional deliberation by the Rules Committee. That's why I brought forward this motion. It also is, of course, to structure debate. And we are constrained in terms of what motions can be filed on rules, recognizing that they're not subject to cloture and otherwise, and motion to recommit is the one that we have available in this regard. But, colleagues, I would ask you to think about this. From your conversations with your constituents, from the incredible work that the Speaker led, to reach out to very, very diverse stakeholders in groups across the state saying what went right, what went wrong with our hearing process, with our citizen engagement opportunities, what can we improve? That was really important work that I know was enthusiastic-- enthusiastically received by folks all across the state and all across the political spectrum, asking earnestly and in good faith, what can we do to improve processes in Nebraska? And when you look at some of that feedback about what people loved about the Legislature and what they were frustrated with about the Legislature, I think that there is some very clear themes. And one of the themes present therein, is that people want an opportunity to be heard. They want a meaningful opportunity to be heard. Whether or not their perspective carries the day, that's up to the will of the majority. The people want an opportunity to be heard. And that's what's at the heart of this arbitrary limitation on our ability to effectuate our constituents' voices, needs, requests. And it frequently happens, colleagues, that different senators, for different reasons, may decide not to put forward bills on behalf of their constituent. And they frequently turn to senators who have a subject matter expertise on those areas, or who got the door shut on them by their individual senators, to say will you please help me with this important issue? So, of course, we first focus on our constituents in our district, but we also serve the whole state. And it's been an honor to carry measures on behalf of my Nebraska neighbors who don't even live in north Lincoln, but who had really good ideas and wanted to bring them forward and worked with me because of my subject matter expertise or because their senator shut the door on them. So what this ends up being is an arbitrary limitation, not only on our own ability and power, but that of our second house. And if your senator decides that they don't want to put forward bills because they're anti-government or they're too burdened

or they're too busy, then what are your constituents supposed to do if they don't have opportunities to talk to other senators, who are interested in giving voice and giving an opportunity to be heard. And think about what's--

**KELLY:** One minute.

**CONRAD:** --really, truly underlying-- thank you, Mr. President-- this proposal. I've heard some half-hearted commentary in regards to ease for staff, and our staff are fantastic and I appreciate them. But changing the rules and restricting speech and engagement for senators and the citizens should not be tempered against administrative ease. If people don't want to listen, they don't need to run for office, whether that's on the city council, school board or in the state Legislature. If you can't be bothered to hear an idea that has been brought forward in good faith, don't run for office. But don't you dare limit my ability to give voice to my constituents and your constituents when you turn your back on them. The least we can do is have a clear public process with--

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

**CONRAD:** --introduced legislation that prompts an individual hearing. Thank you, Mr. President. I'd ask for your support.

**KELLY:** Thank you, thank you, Senator Conrad. I raise the call. The question before the body is the recommit motion. And there has been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bosn voting no. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 12 ayes, 29 nays, Mr. President, to recommit.

**KELLY:** The motion fails. Mr. Clerk for items.

**CLERK:** Mr. President, next up, Senator John Cavanaugh would move to reconsider the vote on the Conrad motion to recommit.

**KELLY:** Senator John Cavanaugh, you're recognized to open.

**J. CAVANAUGH:** Thank you, Mr. President. Mr. Lieutenant Governor, sitting up there. As I was reading this section of the constitution, Section 14 specifically lays out the Lieutenant Governor's role in presiding. It doesn't lay out his role in presiding, but in terms of signing legislation as it passes. So I rise in support of the motion to recommit, recommit and the reconsideration of that and opposed to the underlying rules amendment, because as I've said many times, this rule is not ready for prime time. But as an aside, we were just having a conversation. The, the call has been raised, as you all probably have noticed. And we were having a conversation, is it erased or is it raised? And this is a conversation we got the answer to, Speaker Arch and I did, a year ago. And it is raised, because you were under a call, and then you raise it. So it's-- might be erased off the board, but what it is, is it is raised so that you are no longer under the call. So fun fact for all of you folks out there. I know people love fun facts. So I was previously talking about Section 14 of the constitution, about bills and resolutions, and I know Senator Conrad has talked about that, as well. And the reason that this part is relevant to this conversation, so we're-- this rule proposal is attempting to put a limit on the number of bills people can introduce, and this section does not specify that. But what it does specify is that a bill needs to be read at-- in its entirety and may not be read if it's too large and there's a vote, and that the bills need to sit for some time. And both of those considerations are to make sure that people really know what they're voting on. You're supposed to read it. You know, initially, I think I talked to the Clerk at one point and asked what the purpose of that was, about the reading at large. And it was supposed to be in that last moment, before you're taking that final vote which is the only one that's required by the constitution, before you make that official vote and pass that law, that you--

you're given the full effect of the law being read at you. And you take the pause. And that time, that slow down is your last opportunity to consider, to reconsider, what you want to do. So I filed this reconsider so that you can reconsider what you want to do here, giving you time to think through what this is. But the reason for that slowness there, the reason that we have bills have to sit, layover days, and the reason that we have the single subject requirement is that we want-- when someone votes for something, we want them to have had every opportunity to know what they're voting on and to have thought about what its effects are going to be and to be able to explain it to their constituents. And this rule will have the effect of putting multiple subjects into one bill, in-- will-- it will make bills more complicated, larger, and make the whole process less opaque. And, you know, reading, I have here-- I don't-- I have the regular constitution, but I also have my, one of my preferred books that I got when I got here is the Nebraska State Constitution, a Reference Guide, Second Edition, because I saw Senator Matt Hansen at the time had one. And I was jealous so I bought my own. And it's written by a number of folks, I think law professors and other luminaries, but it has these great annotations as well. And so it says, this is the part that I liked: The purpose of this section is to ensure, this is their annotation to Section 14, to-- the purpose of this section is to ensure that all bills are openly and honestly considered by the Legislature. Such provisions are all the more critical in a Unicameral body, since there's no second house to serve as a brake on hasty or ill-considered legislation. This section also provides support for the rule that one Legislature cannot bind future Legislatures. Well, that's a separate issue. But, yeah. So it's, it's essentially saying that the importance of how we, you know, structure these bills require the one single subject, they require this debate, that we require the reading, is to make sure that the bills themselves are adequately considered, and that they're not just sort of-- things are not snuck, snuck through. I talked about Robert Moses earlier and The Power Broker, the book by Robert Caro, which I got-- some folks apparently were very excited that I had mentioned that. But the fact that he had-- his rise to power-- in his rise to power, had snuck a word into a bill that no one noticed, and that allowed him to, to take people's property. And we run the risk of making similar, imprudent changes to our statute if we are putting a lot of things-- we start getting to this process of putting bills together. Yesterday, Senator Dungan spoke and referenced where this has been done previously. So this-- Legislatures in the past have considered this and said we should limit the number of bills. And they found that exactly what we

are cautioning you about now, happened. They got larger bills that were more complicated, and then things got snuck-- stuck in them and snuck in them. And it was not favorable, so that rule was repealed. So this has been an experiment that was tried and failed before. And now we're back here, bringing it again. And so I would ask-- I know everybody, probably, it's long-- it's been a long 5-day, 4-day week. Felt like a five day week. It's been a long week. We've had a lot of debate. We're all excited to, I think, get into actual legislation conversations next week, committee hearings. But I-- and I've asked all along, when I've talked a lot, on these rules, is that people really consider what we're doing here. Really stop and think. Look at these things critically. And I might be repetitive, but I know a lot of folks are tired and a lot of folks are not paying attention all the times I talk, and I've been told I have a very soothing voice, so sometimes people maybe get lulled while I'm speaking, so it requires more mentions. But I'll go back to what I said originally when I started this morning. This would allow 16 bills per senator, 49 senators, would end up being 1,568 bills, more bills by just senators alone. So it does not achieve this goal of less. And then it, it also creates the incentive, as Senator McKenney pointed out and Senator Wayne pointed out and others have pointed out, it will create the incentive to put more, more matter into these bills, which will go against the intention of Section 14 of the constitution, of Article II, I think it is, it goes against the intention of this body, and it goes against just good judgment, to put-- to create a-- an environment where we're going to create bills that people aren't sure what's in, and doesn't get-- doesn't get fully analyzed and parsed. I was told by Senator Dover that my personality type is apparently analytical and likes to really parse and drill down on things. And I'm sure many of you are surprised to hear that. But that's-- it's just-- this is-- you have an opportunity here. I know a lot of folks look at this and they just say, yes, there's too many bills. Yes, the committee hearings are too long. And John Cavanaugh asks too many questions. I get that a lot, too. But it's important that we, as individual senators, have the opportunity to bring forward these bills, and that the bills themselves get brought based on the merit of the bill and the idea and the desire of the senator and the, the interest that they're trying to serve of their constituents. And it does not get-- things do not get thrown by the wayside or get artificially tamped down because we set an arbitrary number on them, an arbitrary number that will not achieve the goal that's set out. It will have a lot of other un-- unintended or perhaps some intended consequences, but it will not achieve the stated goal. So that is the reason I think everybody should reconsider

their vote. We should recommit this to committee. You have an opportunity to do the right thing the first time. I did talk one time about how we all, as a society, sort of disfavor making mistakes. Everybody's like, oh, I want to get it right the first time or we have a real problem admitting when we made a mistake. So-- and I said that, that shouldn't be the way.

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. Mistakes are healthy. Admitting you made a mistake is healthy, and being able to learn from your mistakes is the real key. You know, doing something and saying, well, not going to do it that way. Now I know a way not to do that. Right. Well, this is an opportunity to put that into practice, right now. We can reconsider our votes, we can recommit this to committee, and we can all sort of grow as individuals and as a body and become just better. And we can, we can put this rule back in-- into the committee. We can consider it at a different time, once it's been, maybe, it is then ready for prime time, as Senator Conrad said. So this is not ready for prime time. It needs to be reconsidered. You have the opportunity. Don't be embarrassed. I've made mistakes, too. So you have an opportunity to reconsider and to vote to recommit this to committee. So I would encourage your green vote on the reconsideration. I would consider-- I would encourage your green vote on--

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

**J. CAVANAUGH:** --on the recommit. Thank you, Mr. President.

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

**CLEMENTS:** I waive.

**KELLY:** Senator Clements waives. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Good afternoon, colleagues. So I have very much been listening, because to the great chagrin of some of my colleagues, I am a little undecided on this one, or I was. The most I've heard to argue in favor of this is that we're going to run out of time, we're going to have too many hearings, and people can't handle so many bills. And then, a subset of that was that the reason that that's a particular concern to everyone is because then they're not



doing their, sort of, just service to the standing committees that they're on, because they're not in the committees because they're out introducing. So that's, that's on the one hand. And if I've missed an argument on that hand, somebody help me here. But then on the other hand, I've heard if we limit our bills, we can't represent our constituents how we think is best. We'll end up with just more complex bills, which ultimately we'll probably have the same hearing length, that we're not saving time, that's mine, because I don't think the number of bills equates the amount of time that we spent on it. There's the referencing problem that Senator Wayne mentioned. And it may be called Boyle's law but I call it Dorn's law, because he said to me once, he used to sit by me, and he said to me once that every floor becomes a ceiling. Every floor you put in law becomes a ceiling-- or wait, every ceiling you put in becomes a floor. I did it wrong. So if you put in a limit as this is the maximum amount you can do, then everyone will do that maximum amount. It's Boyle's law, but I like calling it Dorn's law. So I, I would love to be able to get there but I just don't see how. There's just-- the arguments in favor of this are simply that it's going to take-- it'll, it'll make us have less time spent in hearings or whatever. But the, the counterpoint to that that I thought was so powerful to me was when Senator Dungan said he's willing to do the work, because I'm willing to do the work. I don't want to do something just so that we work a little less, and maybe that's wrong, and maybe that's just me. And I actually don't judge anyone. They have kids to get home to and things like that, if they don't want to. But for me and my representation of my constituency, I will spend as much time as they need and I will be here late hours and I don't have a problem with that, and I'm not trying to criticize anyone who thinks that that shouldn't be the case. So the number of bills, you can't handle them, I think different people can handle different numbers of bills based on the complexity of the bill, based on their staff, based on their experience in the body. I didn't bring as many bills my first year as I did, you know, the years after that. I think you get better at bringing bills over the course of your time here. You know which ones you're starting a conversation with so that they can be worked on over the interim, so that in 3 or 4 years, there can be in a, a position to actually pass. But you couldn't get that information unless you had a public hearing. You introduced them because, boy, you've all had this experience. You introduce a bill, it brings people out of the woodwork, telling you what's wrong with it.

**KELLY:** One minute.

**DeBOER:** So, I don't think I'm going to be able to support this rules change. I didn't out of committee. I don't think I'm going to be now, because I just-- I haven't seen a compelling reason to change the rule and especially midbiennium. I don't see why I should change a rule that I haven't had a compelling reason to change. And literally, the things that people said to me, they're just-- they haven't, they haven't compelled me, I mean ultimately. And I tried to get there, I did. I listened. If I missed one of your very good arguments that's going to compel me, please, please come talk to me and try and change my mind, because I will listen. I would-- I would have liked to, but I think when I'm weighing the good and the bad in this situation, particularly at this time, in the midbiennium time-- maybe bring it up next year. I'll still be in the body.

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

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

**KELLY:** Thank you, Senator DeBoer. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. My kind of overarching philosophical problem with rules changes like this is it continues this pattern that I don't like to see in politics, whether it's at the very local level or the federal level, of thinking very black and white in terms of rules, procedures, laws, how people are supposed to live, and in this case, how elected officials, fellow senators are meant to represent their constituents. I don't like being told how many bills I can introduce to represent the people who sent me here. I have introduced a lot of bills before. None of them were frivolous, ever. They all got heard. I've had a few hearings that went very late into the night, but for the most part, the legislation that I've worked on during my time here has been, totally manageable, by the committee, by the institution, by the body, and ended up fine. And every-- everybody I've talked to about this, including people-- actually, I'm literally talking about people who are voting with the introducer for this rules change. They say things to me off the mic, over to the side, like yeah, I don't really care. I don't really like it, but I'll probably support it. That to me is so lazy. It's so lazy and so problematic when we talk about the goals that we have for this institution and the way we represent the people who sent us here. It's the same kind of mindset that results in the erosion of the legislative branch over time, whether it's through term limits, through silencing, through lack of oversight, removing the oversight tools that we have in our

body and the way that we never struck back or pushed back against any of that, because somebody you like is in the Governor's seat. Have some pride. At least act like you're going to defend your own power. This is awesome power. I don't know why you would want to diminish it. With the status quo, with the way that we have the rules right now, where senators are permitted to introduce as many bills as they'd like, that is what gives us the most power to represent our constituents well. Senator Conrad, earlier in the day, made an excellent point about subject matter experts in this body. What if we get to a point where-- I mean, anything could happen with elections. You see these people getting elected around the country. Look, for all the criticisms I have made of my own colleagues behind your backs, to your face, in the press, whenever I've said anything, this is not the dumbest group of people. You know, like this is-- this is a productive body of people who were elected, who represent their people, most of whom were given a choice of who to vote for, and they selected us and we're here, and I like working with almost all of you. But it's conceivable looking at patterns we see around the country, we're going to get to a place where there's people in this body who perhaps don't have the kind of qualifications that we're actually looking for in an elected official. Maybe we'll get to a place in the body someday where we have, you know, only a few attorneys elected. I'm not an attorney. I'm not a lawyer. And because of that, there's things that we work on that I admit I don't really know a lot about. It's outside of my subject matter expertise. My background is business ownership. I'm a mom. I've got a kid in public school. Like, these are things I know about from being in the world and being regular and--

**KELLY:** One minute.

**HUNT:** --working with folks in my community over the last 25 years. Thank you, Mr. President. But if someone out in the lobby needed something done for agriculture, or someone from the bar association or the law school wanted something done for them, that's not something that I could bring expertise about. And so when there are people in the body who have that expertise, it's important that they have the, the freedom, that they're freed up to be the introducer of the bills that they can talk about with authority. I'm sure I could come up with 50 bills a year to introduce. And if this rule passes, I will be taking the maximum amount of bills. I'll file a shell bill in every committee every year that I'm still here. I'll encourage the people I mentor coming up to do the same thing, until we change this rule back to something that actually gives power back to our fellow, fellow senators, that removes these arbitrary and--

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

**HUNT:** --unnecessary limitations on what we're able to do for our constituents. Thank you.

**KELLY:** Thank you, Senator Hunt. Senator Walz, you're recognized to speak.

**WALZ:** Good morning. Thank you, Mr. President. I stand in opposition of the amendment and the rule change, and I want you to know that I thought about this a lot. On one hand, and I was just telling Senator Bosn, I thought, you know what? This would make things so much easier. But in the end, the final line or the first line of the rule change really makes me feel uneasy. And it says individual members shall be limited. Limiting the number of bills a senator can introduce, to me, is limiting good government and it's limiting freedom. Believe me, colleagues, there are plenty of times, plenty of times that I'd like to limit the number of bills that are brought. And there are plenty of times that, to be honest with you, I'd like to silence the voices of some of my colleagues. But that's not why I'm here. I'm not here and I was not elected to limit the voice of my colleagues, regardless of how silly I'm-- I may think they sound sometimes, or how silly their bills are, or regardless of whether I disagree with them. So in the past, I'd never introduced more than, I don't know, 13, 15 bills. But this year, I ended up introducing quite a few more. And I did that because I just felt that there were a lot of important issues that needed to be addressed. And honestly, with all sincerity, colleagues, these were ideas that were discussed, and they've taken up a lot of my time. And they've taken up a lot of time of my constituents and my stakeholders, time in meetings, time in roundtable discussions, interim hearings and communication with constituents and stakeholders, which, by the way, I think that's the way bills and policies should be crafted. It seems to me that limiting the number of bills, again, limits freedom. It restricts me as a legislator, as a representative, to advocate for the needs of my constituents. And that's limiting freedom. Think about all the times, and I, I continually think of this one vision I have in my mind but I'll, I'll tell you about that later, but think about all the times in the past when multiple bills have been introduced, and the opportunity those bills have allowed us to talk, sometimes argue, research, and create legislation that addresses issues from so many angles. And those things led to even more effective policy. The ability to introduce numerous bills is a recognition of just how complex government is, and the need for people to work together to solve a problem together as a body. The vision I continue to see in my

head, and I'm sure Senator Wishart will agree with me, was the year that we debated tax policy, economic development, tax incentives, and the number of people that took to come together and really create effective policy. I also think that when we limit the number of bills, we take a chance of marginalizing communities and our constituents' needs and concerns. Colleagues, we've been elected. We've been chosen by our constituents--

**KELLY:** One minute.

**WALZ:** --to ensure that their voices are heard and that they're represented. I think that limiting the number of bills will not do justice to that very important responsibility. And I really think that it strips the freedom of the people that we serve. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I rise in support of the reconsider motion and the recommit to committee motion. I think the solution to all of this, honestly speaking, if we're being true or factual, is that first, the "Department of Hell and Harm Services" would do a better job of serving Nebraskans, the "Department of Punitive Services" would do a better job, the "Department of Exclusion and Dropping the Ball" would do a better job, all state agencies would do a better job of utilizing taxpayer dollars, upholding the law. Also, another solution is we pass real policy changes that are effective, especially in the criminal justice system. There wouldn't be a need to introduce bills if state agencies did their jobs. There wouldn't be a need to introduce a bunch of bills if our criminal justice system wasn't the worst in the country. There wouldn't be a need if our child welfare system wasn't losing kids every day. There wouldn't be a need if the women in York had adequate water. There wouldn't be a need if the state wasn't trying to build a prison. And I could keep going on and on and on. The need for the amount of bills that are coming before us is because state agencies don't do their job, they don't provide relief to taxpayers, they lose kids in the system, they don't help rehabilitate people that the state is incarcerating. It's, it's so much. We're not addressing poverty. That's why. Communities that are impoverished are not getting the help that they need across the state. Kids aren't getting adequate education across the state. That is the problem. The solution isn't to limit bills, it's to force individuals that are getting taxpayer

dollars to do the right thing and hold them accountable. That is the clear solution to all this problem, and that's why any-- nobody should vote for this. All you have to do-- and we could all, as a body, sign a letter to every state agency or any entity that gets state dollars and hold them accountable to the law. Then we wouldn't have the need for all these bills. But because there isn't a willingness to hold those agencies accountable, there isn't a willingness to stand up to the executive branch, we're here, where no matter what you do, honestly speaking, whether 16 bills, 20 bills, whatever you say, you cannot stop the amount of bills that are going to come. There's going to be an average of probably 1,500-plus every year, of packed bills. You can't stop it. It's impossible. But the solution is to hold the executive branch accountable, state agencies accountable, and anybody that gets a state dollar accountable to what they say they were going to do and what they're supposed to do according to the statutes. But because you don't want to offend anybody by telling them to do your job, then we're here introducing bills every year, trying to force agencies to do the right thing and do their job. Try to make changes to address poverty or changes in the criminal justice system. That's the problem. Let's stop the county attorney in Omaha for overincarceration-- overincarcerating people. He's literally responsible for--

**KELLY:** One minute.

**McKINNEY:** --a huge population of our prison population that's there for 20-plus years. Let's hold him accountable. Let's hold all county attorneys accountable. Let's hold everybody accountable and we wouldn't have to introduce bills to address issues that affect our constituents. That is the pure problem here. Thank you.

**KELLY:** Thank you, Senator McKinney. Senator Conrad, you are recognized to speak.

**CONRAD:** Thank you, colleagues. Thank you, Mr. President. Good afternoon. Oh, our Lieutenant Governor is back. Good to see him. Friends, I wanted to let you know where we are, and it's a familiar place, with a deadline fast approaching. Everyone had made plans in regards to organizing their work today, and perhaps getting back home and battling weather over the, the weekend, after working through some very challenging but important early debate and dialogue in regards to our rules. We are working in good faith, very, very carefully, particularly off the mic, to try and find a path forward so that we can come to a conclusion of the rules debate today and prepare to take

up substantive measures, as the Speaker had outlined in his agenda, starting early next week, which I know that we're actually all really, really excited to do, to, to dig into important substantive issues that impact Nebraskans' lives and that address some of the key issues facing our state. So we are not quite there yet, but we are working creatively, we are working across the political spectrum, to figure out how to find resolution to the stalemate that we find ourselves in at the present moment. I think that there is a willingness to do that by a lot of members who are concerned about these issues and concerned about the dynamics of this debate, for both the short term and our remaining few days in this, this short legislative session. So the other good news is that the, the queue is robust. There are well over a dozen senators who have their lights on, to either share their ideas in regards to these specific measures that are on the board or who are going to help to continue to debate, so the negotiations that are happening in good faith can happen. And sometimes we need a focal point. Sometimes we need a hard deadline to really solidify openness and opportunity to find a path forward together. I think that the folks who have spoken passionately about this on each side have shared a principled reason that they're putting forward these measures. We've heard that. We've digested that. We're trying to figure out if there is a way that perhaps everybody wins a little bit, perhaps everybody loses a little bit, which is kind of how legislating happens, as you all well know. So I am heartened that even after challenging, passionate debate, we can still have those kinds of meaningful conversations with each other, because it's important to our work and it will serve us well as we begin to embark on substantive debate starting next week and in carrying through the legislative session. I think it's always challenging to try and figure out how far we want to push ourselves or--

**KELLY:** One minute.

**CONRAD:** --each other-- thank you, Mr. President-- perhaps even to the brink, to prove our point or to prove that we can. And it is important to check our egos in this process and to make sure that we're being pragmatic and are taking, perhaps, olive branches that are being offered, and pathways and off ramps that are being offered so that we can continue to do the people's business and get to it as quickly as possible. So with that, I'm going to continue, as I always do, to keep an open heart and an open mind in these conversations with my colleagues, even though I have principled, object-- objections to this measure, which are never personal, which are not political, but that

do spark legal policy and pragmatic concerns for myself and others.  
Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator Kauth, you're recognized to speak.

**KAUTH:** Thank you, Mr. President. Question.

**KELLY:** The question has been called. Do I see 5 hands? I do. The question is, shall debate cease? All in favor vote aye; all opposed vote nay. There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 20 ayes, 1 nay to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. All senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dorn, Raybould, Day, DeKay, Conrad, Armendariz, Lippincott, Bostar, Wayne, Brewer, Hunt, Hansen, and Brandt, please return to the Chamber. The house is under call. Senators Raybould, Day, Armendariz, and Hunt, please return to the Chamber and record your presence. The house is under call. I. Senator Armendariz, please return to the Chamber. The house is under call. Senator Cavanaugh, Senator Armendariz is not present. How do you wish to proceed?

**M. CAVANAUGH:** We will wait.

**KELLY:** Thank you. All unexcused members are now present. The question is, shall debate cease? There has previously been a request for a roll call vote. Mr. Clerk.

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



yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Senator Hansen voting yes. Vote is 29 ayes, 15 nays, Mr. President, to cease debate.

**KELLY:** Debate does cease. I raise the call. Senator John Cavanaugh, you're recognized to close.

**J. CAVANAUGH:** Thank you, Mr. President. Correct use of raise the call, although it's still-- there we go so now it's gone. It has been raised and erased so it's no longer on the board. So again, I started my talking on reconsider about giving you all an opportunity to change your minds, reflect on the decisions you made. And I told Senator Brandt here, I'm giving you a gift by giving you a second chance to reconsider. So, you know, reconsider is about if you made a mistake or if you, you know, meant to vote for something or that there was-- maybe was more conversation to be had. I think we have had a really good and robust conversation about this rule proposal. And I would tell you my take away from the conversation is this rule proposal is not a good one. I mean, I know I've done a lot of the talking, but I agree with my points, and I agree with Senator Conrad's points and others. And I think that this rule proposal is a bad idea. And we've illustrated all the things that I don't think people thought about when they first thought this was a good idea, the fact that it will cause an increase in the number of bills; the fact that it limits our power in relation to the Governor; that-- the fact that it will cause more convoluted bills to come out, which then means increases the potentiality for ideas that have not been vetted to become law, which is bad for the state of Nebraska, goes against the spirit of the Constitution. And it undermines our authority as individual duly-elected senators to represent our constituents to the best of our service, best of our abilities; and to be able to bring those smaller bills, those constituent service bills, those ideas that are not ready for prime time, like this one. You know, you bring a bill to have the conversation to get to the, the meat of what's going on to kind of get it ready for next time. And, you know, that's why I put up this reconsider. You can all say, you know what? I thought this was ready. But after the thoughtful and constructive debate and the issues that were pointed out with it, with this rule that I do think this is not

ready for prime time and it should not become one of our permanent rules. And it can wait until another session. It could wait forever for all I care. But you have an opportunity with this reconsider to internalize everything that's been part of this discussion so far today, and to vote, to recommit this to committee and move on with the next thing, I guess. So you've heard, I think, all of the reasons. I'd be happy to talk again with you off the mic if you want to, if you want more analysis. But this will allow for somewhere around 1,800 bills to be introduced in the biennium, which is 400 more bills than have been introduced so far this session. And according to Boyle's law, that the bills will fill the space. And that makes sense that we will-- people will bring the number of bills they're allowed to bring, and that those committee bills will get more complicated and that things will get missed and that we will have votes that you're not sure what you're voting for. And we will diminish our power as it pertains to our position against the executive branch, because we allow the executive branch to bring bills later than we can bring bills. So they can already bring a bill. They already have a little bit more power in that respect, but they can bring bills after the 10th day, and, and the Governor can bring bills, any number of bills with no limitation. So we're limiting ourselves by virtue of the fact that you're a member of the Legislature, you can bring fewer bills than a different branch of govern-- government which does not have--

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President-- does not have a constitutional authority to bring bills. We allow bills brought at the request of the Governor to be-- have a special standing, and we subject ourselves to a limitation. We are diminishing our position and strengthening the Governor's. And you might like this Governor, but you might not like the next Governor, or you might dislike this Governor. Who knows? But we need to make sure that we are a coequal branch of government, and we hold our power, and we assert ourselves when necessary, and we do not artificially limit ourselves. So I encourage your green vote on the motion to reconsider. And then once that's successful, I encourage your green vote on the recommit to committee. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Members, the motion is or the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. A roll call vote was requested. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bosn voting no. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne voting no-- voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 15 ayes, 28 nays, Mr. President, to reconsider the vote.

**KELLY:** The motion fails. Mr. Clerk, for items.

**CLERK:** Thank you, Mr. President. Some items quickly. Amendments to be printed from Senator Brandt to LB140A as well as notice of committee hearings from the Appropriations, Banking and Judiciary Committees. Mr. President, as it pertains to the proposed Rule change 29, Senator DeBoer would offer an amendment. I have a note she wishes to substitute Senator Ben Hansen's amendment. The amendment would amend on line one, strike "14" and add "20" and add "Starting with the 2025 legislative session," before "Individual members." The line would read, "Starting with the 2025 legislative session, individual members shall be limited to no more than 20 bills introduced at any one session.

**KELLY:** Without objection, so ordered. Senator Hansen, you're recognized to open.

**HANSEN:** Thank you, Mr. President. In the-- in the matter of being expedient here and moving this rule change along, I've had a good discussion with my colleagues, and we came to an agreement that we will be able to move it from 16 to 20 introduced by a senator each session and also keep the committee bills at 10. I think this is a

reasonable compromise and so I was willing to move forward with it. And so with that, I would encourage your green vote on the amendment coming up here. Thank you, Mr. President.

**KELLY:** Returning to the queue, Senator Vargas, you're recognized to speak. Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you. Bless you, friend. Yeah, I made a lot of points about this I think. I appreciate what Senator Hansen's doing but, I mean, here's the thing. This is-- this is a moving target, right? It's moving from 15 or moving to 20. It still is limiting the number of bills. The issue that I have is this is not affecting our legislative. We've already introduced our bills. So we're making a decision for the future Legislature and what they're going to do. Obviously they will get to debate the rules, but it's already going to be a standing rule. And in order to change it, you'll need-- you'll need 30 to change it back and you won't know the impact of it. So for-- it won't affect me. I'm not going to be in the Legislature next year. I'm term limited. But for all the new senators that have not won their elections yet and either the returning senators that are running for reelection or open seats, we're telling them and limiting their ability to do it without them having a say. And that's another issue that I have with this, which is a lot of the things that we've been debating recently that Senator Arch has brought up as, as potential issues and rules changes that were meant to learn from different rules that were not intended to be used a specific way, but were used a specific way, we've been addressing them because we're using them right now. And we don't want to get into a place where we're slowing things down. I think that was one of the reasons why I supported a lot of these rules changes. This is not doing anything to address an issue right now with how we're going to manage or govern for the next, whatever, 47 days, 48 days. This is trying to solve a problem for a brand new set of senators, a brand new body starting at the end of this next, well, next January. And that's the reason why I don't support it. I don't understand why we would be doing this unless there's another reason. There are a lot of unintended consequences that have been shared, and I don't like that term. There are real issues with treating the cap equally on both the same years for both 60- and 90-day sessions. There are real issues with expanding the number of bills for committee chairs versus individual senators and not applying caps all across the board for both the Governor equally in some way, shape or form for trying to reduce government. And that's a good reason to do it across the board for everybody. We're not redefining what a bill is in some way, shape or form, which means people can still introduce shell bills all they

want, and then they can introduce a bill, an amendment to a bill in committee, and it could be several different bills altogether. What we're simply doing is taking away a tool in our toolbox, rather than doing a better job of introducing fewer bills, working with committee chairs, working through the iterative process with each other to make sure that the bills we're introducing are not redundant, which sometimes happens when we introduce 3 or 4 of the same amount of bills. Or working with the committee chair to try to make sure that a bill is brought by a committee Chair. We should work through those different other aspects rather than doing something that hasn't-- isn't affecting us directly, but is actually addressing the future Legislature. So the moving target to me, I appreciate the compromise, but it's not compromise that is necessarily informed with 20--

**KELLY:** One minute.

**VARGAS:** --makes more sense. Why not 25? Why not 30? It's just moving it in a direction. And that's one of the reasons why I don't support this. Again, tons of respect for the people on both sides of this issue. But if the argument is there are bills introduced that we think are not good or are wasting time, that is not up to individual senators to say whether or not something is bad or good. That happens through the iterative process of a hearing, testifiers coming in. And that only happens when we get to introduce the bills on behalf of our constituencies. And limiting this, not for me, it's not going to affect me, but for future senators seems very foolhardy and something that is going to require a rule change in the future. It's a lot harder to change a rule to expand things than it is to, to implement a rule like this. And in an age of term limits, I'm also worried because term limits really has changed. It's more-- it's more--

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

**VARGAS:** Thank you.

**KELLY:** Thank you, Senator Vargas. Senator Machaela Cavanaugh, you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I-- it's been hours since I have been in the queue waiting to talk, which is a product of the question being called constantly and that's unfortunate, but here we are. I, I really would like to echo Senator Vargas' sentiments around this. It just doesn't make any sense to me as to why anyone in this body, including Senator Hansen, would want to limit the voice of our

constituents. It doesn't make any sense. There hasn't been an argument put forward by people who are supporting this bill. There hasn't been an argument put forward at all because the people who support this bill just call the question and don't say anything at all. And if you want to bring people along, if you actually care about being a legislator, then you should get engaged in this conversation. You knew we were going to have it regardless. You knew we were going to be here this morning and afternoon regardless. Why wouldn't you try and persuade me? Tell me why. Tell me why I should vote for this. Tell me why. What is the reason? And if the only reason is because we don't want to be here, then don't run for this office. This is the job. This is the job. And if there is an actual reason to support this, tell me. But instead, you're calling the question and playing games. You're playing games with the people of Nebraska. You're playing games with my constituents. And I don't like that. So get up, push your button and say more than question. Tell me, tell the people that are watching why we should be voting for this. Tell them why you're voting for it. This is such a theatrical performance by you all. It's really disheartening. This is your job. Get engaged. It's a debate, but only one side is talking. Why? Why, Senator Hansen, should I vote for your amendment to limit the voice of my constituents? Why? Every time he's been on the microphone, he said "question." That is unacceptable. Unacceptable. And honestly, it's kind of juvenile. Stand up for yourselves. Stand up for your position and tell me why I should vote for this. Tell me why. I'm serious. I haven't heard why I should vote for this. All I have heard is that we have too many bills. What is the right number of bills? It's arbitrary as this amendment points to the fact that we can just slip in an amendment to change the number. It's arbitrary. And as Senator John Cavanaugh has said repeatedly, though I'm certain people aren't listening to him, repeatedly he has said that this will result in more bills than we currently have being introduced. So tell me why.

**KELLY:** One minute.

**M. CAVANAUGH:** Because if the goal is to have less bills, we're not going to have less bills. We're going to have more bills. All we're doing is limiting the voice of our own constituents. And if I am missing something, then tell me. Please get on the microphone or don't get on the microphone. Come over and talk to me. Tell me why I should vote for this. Why are we spending all of these hours on this? Why should I vote for it? Let's do our jobs. Let's talk. Let's communicate. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Dungan, you are recognized to speak.

**DUNGAN:** Thank you, Mr. President. Colleagues, I still rise opposed to the underlying Rule change 29. I think I'm also opposed to this amendment in principle, although, again, I do appreciate Senator Hansen's efforts to try to work with other individuals to, to reach a compromise. And I think that, again, the name of the game for the majority of this rules conversation has been trying to actually have substantive compromises that don't completely upend the entire system but address the concerns that people had. I know we're kind of getting towards the end of the day here and I can feel people getting a little tired and ready for the weekend. So I know that we don't want to take too much time, so I won't belabor too many points. But I did want to say a couple of things. First of all, when Senator Machaela Cavanaugh was saying, tell me why multiple times on the microphone, I just kept thinking of the Backstreet Boys, and that's going to be stuck in my head now for the rest of the day, tell me why over and over. But anyways, I was doing a little research over the lunch hour with regards to what other Legislatures have done to address the issues of bill introduction. So one of the things that we keep hearing over and over is that we are trying to limit the number of bills that senators bring in an effort to expedite the process, alleviate concerns, and alleviate sort of the, I guess, the pressures and the stressors on staff. So we've heard time and time again that there are a number of other legislatures that currently limit the number of bills that senators may introduce, but that doesn't necessarily tell us the entire story. I did a little bit of looking into what other legislatures do, and a number of legislatures, state houses and state senates, that limit the number of bills that senators can introduce don't limit the number of bills that they can introduce prior to the session starting. And then once the session starts, you are only permitted to enter a certain amount of bills. That's done to encourage senators to do work on their bills before the session starts, instead of just cramming everything in on days one through ten. I thought that was actually a very novel idea. It's very different than what we currently do as a Legislature, and it's something that I think we should probably consider. I guess having a conversation about with regards to the way we introduce bills, because I do think that it would encourage, I guess, prior work, if we were to have a, an ability to introduce bills prior to the session starting and had some framework created for that. Obviously don't want to overwork or overburden Bill Drafters or the Clerk's Office or anybody else.

There's a lot of moving parts there. But I just thought it was, I guess, noteworthy that we keep talking about how other legislatures limit the number of bills allowed, but we don't talk about the rest of the mechanisms in place to ensure that voices can be heard. So in those places where they limit the number of bills but allow it, unlimited number of bills prior to session starting, constituents' voices are still heard and niche subjects can still be talked about. So I think that that's, I guess, worth discussing as we continue to talk about how this all works. I also think it's noteworthy that there's been a lot of complaints lately, just about, sorry, in the last hour or two about sort of what's this ultimate goal look like? Is the goal here to actually make the Legislature work better, or is the goal to make things a little bit easier? Again, I reiterate what I said previously, which is we are here to work hard. And I don't think we should be discouraging those senators who do feel like they have the bandwidth or the capability to do 20, 30, 40 bills if they have the ability to do that. You know, again, not everybody wants to do that, and I don't think they should have to. But certainly if a senator and their staff feels they are capable of introducing 50 bills and they can work those bills, I think that that's-- that should be allowed. I think that the people sent us here to do difficult work, and we should be encouraging that. So, colleagues, I would again rise to encourage you not to support Rule change 29. I'm probably not going to get to speak again on the rules. And so as such, I, I guess I just want to sort of put a button on this and thank all of the work that the Rules Committee did prior to us even having this rule debate. I want to once again thank the Speaker for him--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President-- working so diligently on these rules throughout the interim to try to, again, support the voice of the minority, support the institution, while still addressing some concerns that have come up in past sessions. We always, always, always have to ensure that every one of our voices here in the Legislature is heard. And if we don't do that, then we are not just doing a disservice to ourselves, but more so, and more importantly, we're doing a disservice to the people of Nebraska who sent us here. So thank you to everybody who's engaged in this debate. I appreciate the conversations. I think we've made some substantive changes to a number of these rules, and I look forward to getting to the actual work that we were sent here to do and work on some bills that help Nebraskans. Thank you, Mr. President.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

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

**DAY:** Thank you, Mr. President. Good afternoon, colleagues. I appreciate the efforts that are going on here to come to some kind of a compromise. But I will say that I, regardless of compromise, I am fundamentally opposed to the idea of limiting the number of bills that a senator can introduce, primarily because I believe a vote to do so is a vote to limit the voice of the second house. We have one house here in Nebraska, the Unicameral. We always call our constituents, the people of Nebraska, the second house. In a representative democracy, which we are in, we are chosen by a majority of our constituency to come here and be a part of a deliberative body on behalf of them, to represent their interests. When you are telling an individual senator that they can only introduce so many bills, you are limiting the issues that that senator is allowed to work on, on behalf of the people that they represent. I've also heard that we would like to limit the amount of time that we have in hearings, and I find that incredibly dangerous to say out loud. Sometimes when we have these rules introductions, I think some of you are saying the quiet part out loud. There is only one time in the whole process, from introduction to the third round of debate on Final Reading, that the people of Nebraska are directly involved in petitioning their government on a piece of legislation, and that's in a hearing. That is the only time that people are directly involved in the process. And by saying that you wish to limit the amount of time that we are sitting in hearings because you're too tired or you think it's too much work, you are saying out loud that you are wishing to limit the amount of time that the people of Nebraska are allowed to show up here and tell us what they think about the policies that we are enacting on their behalf, incredibly problematic. In addition to that, yes, sometimes we introduce bills on behalf of our constituents. I've had constituents come to me and say, I've never done this before. I've never really been involved in government. I don't understand the process, but I have this problem. Can you help me with it? I think that's one of the really and the most important part of our job here, especially when you have people that have never been involved in the democratic process before. I have taught people how to testify. I've written bills on behalf of those people. They've showed up at the Capitol for the first time, many of them, to testify in favor or in opposition to a bill. One of the things that I promised myself that I would always work on from the day that I started campaigning the first time was getting more people involved in the democratic process. The more

engaged our voters are, the more accurate it is when we're making decisions on their behalf in terms of what they're looking to us to do. The more people are involved, the better governance is. And one of the ways that we do that is by introducing bills on behalf of our constituents and then walking them through the process of how do you go to a senator or a representative and ask them to do something for you? What does it look like to come and testify in a committee hearing? What do you need to know? Sometimes those people then go on to hopefully be more engaged. They vote more frequently. They come to the Capitol more often. This is a really intimidating process for a lot of people. And--

**KELLY:** One minute.

**DAY:** Thank you, Mr. President. And that initial interaction with a senator, because sometimes this is the first interaction that they'll have with an elected official because we get a lot of media, we get a lot of press in here so they come to us to solve those problems. Sometimes we are the first people that they go to ever to get involved in the democratic process. And I think that's a sacred thing that we really have to make sure that we are upholding. And when we vote for rules changes like this, we are completely disregarding the responsibility that we have to the people that we represent. It's-- that's literally our job. The reintroduction of bills as well. I think we all know we've introduced bills 2, 3-- I have a bill that I prioritized for the second time this year that I have introduced 3 times. Because the bill doesn't pass does not mean that the problem goes away. Sometimes bills have to be reintroduced again and again, prioritized again and again--

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

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

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

**HUNT:** Thank you, Mr. President. We're coming up here toward the end of our debate. And this is a-- this is a fun part of the work. I'm-- my stress level's at like a 10. But I know from experience that it's going to reach a level I never thought before off the chart. But your capacity for, for with-- withstanding stress increases and increases, and we're back in it for sure. It sounds like some negotiations have been happening to make this rule proposal more acceptable to some

people. I think, you know, I've said this so many times and I feel the exact same way. Still, I, I think that we bend over backwards and trip over ourselves and do all these gymnastics in this body to negotiate and find middle ground and go back and forth and compromise over issues that are silly and frivolous and childish and not important to Nebraskans. And, you know, whenever I say stuff like that, folks on line point out, aren't you one of the people who led the filibuster last year? Talk about pointless, talk about wasting people's time. You know, that's a point that's well made. But this is the very beginning of the session. We came in here, you know, with an attitude of peace, of mending relationships, of having a productive session. And I don't think that rules changes like this are nuclear. I don't think that this is the kind of thing to filibuster an entire session over, for example, as opposed to, you know, legalizing discrimination and endorsing hatred against my child like Senator Kathleen Kauth wanted to do; and as a single issue senator, she's going to do throughout the rest of this entire session as well. This rule change is nothing like that. It's a senator, Senator Ben Hansen, having an idea that's not ready. But then there's all these people in this body who are tripping and bending over backwards and dying and, you know, flittering about, trying to make it work somehow. Why? Why must it work? It's OK to say, this, ain't it. This ain't it this year. Let's do an interim study. Let's do some research about the problem. Is it too many bills? What do other stakeholders think? How do we avoid the pitfalls that have been attempted to be addressed by this cascade of amendments? This amendment from Senator Hansen that we're debating right now on the board includes an amendment that I filed later to stipulate that this rule would not go into effect until next year, because there's 12 people in this body who have introduced more than 16 bills. And it's a diverse group. There's Senator Blood and Senator Bostar, Senator Brewer, Senator Conrad, DeBoer, Dungan, Linehan, McDonnell, McKinney, Murman-- Murman has a lot of bills. I don't feel like that's in character. That's great-- Walz and Wayne all have over 16 bills. We have-- we have conservatives here. We have progressives here. We have farmers. We have attorneys. We have all range of professional Nebraskans representing their constituents--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President-- by introducing over 16 bills. Colleagues, what would you do if this was the rule right now? Senator Murman, Senator Wayne, Senator DeBoer, what would you do if this was the rule today and you had to jettison some of these bills? Who would be the one to decide that? Would you decide? I mean, if this was the

rule and it went into effect and you couldn't do this, do you decide which bills you cast aside, or is that something the body decides? I think I know the answer, but that's the key. I think I know. All of us think we know what this rule is going to do, but we are actually not the last word on that. The Clerk is not the last word on that. The courts are. And I, I don't think that there's any need for this. I think that we negotiate ourselves into problems in an effort to work in good faith when there's going to be so many more difficult battles to come. And this is a waste of time, colleagues. I'll be voting no on--

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

**HUNT:** --the amendment and no on the underlying amendment. Thank you.

**KELLY:** Thank you, Senator Hunt. Senator Hansen, you're recognized to speak. Waives. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I actually thought I was going to be done, but I want to say something to my colleagues. Now, normally when I'm up here talking, I'm talking just to the people of Nebraska. I want to say something to my colleagues. This has gone off the rails to the extreme, and at least 25 people in here are willing to just blow up our process. And I'm not talking about this bill. I'm talking about if we don't get to a vote on this bill, and I had protective motions up. I've withdrawn them so that we don't do that. I'm getting harassing text messages from strangers yet again like I did last year. I get beat up on the mic by all of you. But when it comes down to brass tacks, I'm always willing to do what is best for the institution above my own goals and desires. And I'm doing it yet again today, despite the fact that you all are about to vote to take away the voice of my constituents, which I abhor. But I think that the longevity and integrity of this institution needs to be protected. And I'm very disappointed. I'm very disappointed that a committee Chair, somebody that we elected to run a committee, would be willing to go ballistic to get his way. But we are where we are. And since the last time I was on the mic, not a single person who's going to vote for this came and spoke to me to tell me why. And thank you, Senator Dungan. I now have that song stuck in my head as well. I yield the remainder of my time, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Hansen, you are recognized to close on the amendment.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate January 19, 2024

Rough Draft

**HANSEN:** Thank you, Mr. President. I would encourage a green vote on this amendment and the underlying bill. Thank you very much.

**KELLY:** Members, the question is the adoption of the amendment by Senator Hansen to the Rule change proposal number 29. All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk.

**CLERK:** 26 ayes, 8 nays, Mr. President, on the amendment to the proposed rule change.

**KELLY:** Amendment is adopted. Mr. Clerk.

**CLERK:** Mr. President, after a withdraw from Senator Machaela Cavanaugh, Senator Ben Hansen, on both their motions as well as an amendment withdrawn from Senator Wayne, I have nothing further on this bill-- on this proposed rule change.

**KELLY:** Senator Machaela Cavanaugh, you're in the queue and recognized to speak.

**M. CAVANAUGH:** Thank you. I will be extremely brief. Senator Hansen, please use your closing to tell me why I should vote for this. Don't waive your closing. Don't just ask us to vote. Tell us why. Thank you. I yield the remainder of my time.

**KELLY:** Thank you, Senator Cavanaugh. Senator Ben Hansen, you're recognized to close.

**HANSEN:** Thank you, Mr. President. And I know I've had conversations with Senator Cavanaugh off the mic about my feelings about this and also on Rules Committee and also on the floor here. So there's multiple reasons for me to want this rule change. And so I've expressed those already. But in the essence of time, I am more than willing to talk to her off the mic about this. And so I do want to thank though those who have worked with me on this amendment so we need some kind of-- so we can come to some kind of resolution to move this forward. So with that, I would encourage your green vote on the underlying bill. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hansen. The question is the adoption of proposed Rule change number 29. All those in favor, vote aye; all those opposed vote nay. There's been a request for a roll call vote, reverse order. There's also been a request for a call of the house. There has been a request for a call of the house. The question is,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 41 ayes, 2 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. All those 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 Dover, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. The question is the adoption of proposed Rule change number 29. There was a request for a roll call vote. Senator Hansen request a reverse roll call vote. This takes 30 votes. Mr. Clerk.

**CLERK:** Senator Wishart voting no. Senator Wayne voting no. Senator Walz voting no. Senator von Gillern voting yes. Senator Vargas voting no. Senator Slama. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould voting no. Senator Murman voting yes. Senator Moser voting yes. Senator Meyer voting yes. Senator McKinney voting no. Senator McDonnell voting no. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting no. Senator Day voting no. Senator Conrad voting no. Senator Clements voting yes. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh voting no. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Blood. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. Vote is 31 ayes, 15 nays, Mr. President, on adoption of the proposed rule change.

**KELLY:** The rule change is adopted. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, notice of committee hearings from the Banking, Commerce and Insurance Committee. Mr. President. Mr. President, next proposed Rule change, proposed Rule change 1 from Senator Erdman concerning Rule 7, Section 10.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

**KELLY:** Senator Erdman, you are recognized to open.

**ERDMAN:** Thank you, Mr. President. As we've sat here this morning and most of the afternoon yesterday talking about Rule 29, I've had plenty of time to consider how I should have handled the rule changes. As I look back on what we did in the Rules Committee, we spent a significant amount of time discussing the rules and deciding which ones we should vote on. Had I to do over again, I would have only advanced these 5 rules instead of advancing the ones that we did, and then we would have had the opportunity to spend the week talking about these rules. But we sent out the rules that I thought were insignificant as far as making big changes, but they were technical in nature and we did pass those. I was surprised yesterday that we got past the open voting and had a vote, and I believe Senator DeBoer had a lot to do with us being able to do that, and I appreciate it. My understanding is that's the first time we've ever had a vote on that rule. So I was also surprised that we've gotten this far today on this rule, because I heard Senator Conrad say we weren't moving past this one. But the reason that we spent the time we did yesterday afternoon and this morning and until now this afternoon had very little to do with the number of bills being introduced. But it had a lot to do with this rule change that we're looking at now. The minority doesn't want to get to this rule because it may-- it may, I don't think it will, but they may think it erodes some of their authority. I have a motion on a little yellow slip here on my desk that says sine die on it. I was very tempted to drop that in early this morning and I may do that still next week. We have run off the rail here. This session is going to be no different than the last. We've already seen that. Let's go home. Let the Governor call a special session. We'll come back and do the budget, and we'll be done with it. But we won't do that either. What we have done thus far in this session makes very little difference to how we go forward with actually having a debate about the rules or about any bill. So this rule change is very, very simple, very simple. And there is an amendment because when it was written, it wasn't written quite correctly. This rule states that when it comes to a cloture motion, it's two thirds of those present and voting and present not voting does not count. That's very similar to a bill or a rule change that Senator Wayne had introduced that on Final Reading you cannot do present not voting. I think it's important that people understand how we vote and present, not voting does not give anybody the indication of where you're at. We have had numerous cloture motions fail on the vote of present, not voting. I've been here seven years, a little longer, and numerous times that has happened. So what

this rule says is it's two thirds of those present and voting. And I passed out a sheet, call it a cheat sheet, whatever you want to call it. And it shows that if you want 33 to be the cloture amount or votes needed, 49 people vote. At 30-- at 48, it's 32 and 47, it's 32 and you see as it moves down. And the amendment, what the amendment does say was because the way it was written, 25 would have been what was required for cloture. And what the amendment says is no fewer than 37 voting. And so when you look at 37 on the chart, it shows that the, the lowest number you could have to be two thirds would be 25. There have been several occasions when we've had a cloture motion and someone is in the hospital, someone is ill, someone couldn't make it to the session and we had 48 people voting and we had 32 votes. This is not changing the requirement less than two thirds. This is just saying two thirds of those present and voting. So this rule doesn't have a chance today because we are to adjourn at 2:00. But I'm telling you now that unless we make some rule changes to bring some common sense to this body, we're going to continue to get what we got last year. And I'll make a prediction that this session will not be much different than last year. We've already seen that. So I'm disappointed in the way I handled the rules. Because, you see, it's difficult for me, especially in the Rules Committee hearing and especially Executive Session when we're talking about changing a rule and there are people who say, here is how I would circumvent that rule. This is what I would do to get around it. I don't think like that. It's hard for me to imagine that I would spend my time trying to figure out how to get around the rule, rather than just play fair and move on. So I don't know that they're going to let us continue to go past 2 p.m.. But I do know this, that those people watching today at home have begun to see exactly what happened last year starting all over again. And sine die may sure will be in, in, in order because we have no-- we have no, what shall I say, ability to govern ourselves with common sense. And common sense is a flower that doesn't grow in everybody's garden. In fact, some don't even have a garden. So I don't know what's going to happen in the-- whether they're going to adjourn or what they're going to do. But this is the motion that should have been-- this is the rule change that should have been adopted. This is a rule change that does make a difference. This is a rule change that allows people who elected us to see who we really are. This is a rule change that will allow the other colleagues in this room to know if they can trust you or not. But that's not going to happen. And so I give a piece of advice to the next person who's Rule Chairman. Don't spend all summer rewriting the rules. It won't do any good. Thank you.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 19, 2024  
Rough Draft

**KELLY:** Thank you, Senator Erdman. Mr. Clerk, for items.

**CLERK:** Mr. President, amendment to be printed from Senator Hansen to LB 1004. Additionally, series of name adds: Senator Holdcroft and Senator Halloran to LB136; Senator DeKay to LB872; Senator Riepe, Senator McDonnell to LB876; Senator Vargas to LB1050; Senator Jacobson, LB1116; Senator Holdcroft, LB1200; Senator Blood, LB1212. Senator Dorn, LB1269; Senator Blood, LB1285; Senator Halloran, LB1385, LB1395 and LB1408. Mr. President, a priority motion. Senator Day would move to adjourn the body until Monday, January 22, at 10:00 a.m.

**KELLY:** Speaker Arch, you're recognized for an announcement.

**ARCH:** Thank you, Mr. President. I want to let you know what is on the agenda for Monday. We begin our half day full floor debate on legislative bills, and then the afternoon will be committee hearings. So I have on the agenda for Monday LB461, which is my priority bill, which I indicated it is-- it is the revision of procurement statutes, how we purchase things by the state. And this was a result of the LR29 HHS Investigative Committee regarding Saint Francis. We'll be debating that. LB16, Senator Conrad, her bill, her priority bill which is dealing with occupational boards. We will also have 3 Speaker priority bills, which I have reprioritized that were on priority last year. We didn't get a chance to hear them so I have reprioritized them. They are LB78, Senator Day, redefining massage therapy; LB308, Senator Bostar, adopt the Genetic Information Privacy Act; LB664, Senator Riepe, having to do with Medicaid Fraud Control Unit. Those will be the-- those will be the agenda that you-- that on the-- the items on the agenda that you will see and look forward to debate. We will convene at 10 a.m. on Monday morning. Thank you, Mr. President.

**KELLY:** Thank you, Speaker Arch. Members, you have heard the motion to adjourn for the day. All those in favor say aye. All those opposed, nay. We are adjourned.